

Index — Digest of The 1953 Ohio General Assembly

ACCIDENTS — filing of reports under financial responsibility law.

This act requires the registrar of motor vehicles to furnish a copy of the report required to be filed by a person involved in an accident under sections 4509.01 to 4509.78, inclusive, of the Revised Code to any person claiming to have been injured or damaged in a motor vehicle accident, upon the payment of a fee of one dollar. The act also requires every law enforcement officer investigating an automobile accident to file a report with the Director of Highways and with the Director of Highway Safety to be used for statistical and safety studies. Such reports may not be used as evidence in any trial, civil or criminal, arising out of the accident. [Amended Substitute Senate Bill No. 230, effective date October 15, 1953, OHIO REV. CODE §§ 4509.04, 4509.07 and 4509.10 (amended) and §§ 5502.11 and 5502.12 (enacted).]

ACCIDENTS, HIGHWAY — increase in hospital expense payments.

See Highway Accidents, this index.

ADMINISTRATIVE PROCEDURE ACT — renewal of expired licenses.

The failure of any agency to hold an adjudication hearing before the expiration of a license shall not terminate the request for a hearing and shall not invalidate any order entered by the agency after holding the hearing. If during or after such hearing but before the issuance of an order the existing license shall expire the adjudicatory agency shall in its order in favor of the affected party provide that the licensing authority shall renew the license upon payment of the fee prescribed by law for the renewal of the license.

The expiration of the license involved in an appeal shall not affect the appeal. If during an appeal the existing license shall expire the court in its order in favor of an aggrieved person shall order the agency to renew the license upon payment of the required fee. [Amended House Bill No. 754, effective date October 2, 1953, OHIO REV. CODE §§ 119.091 and 119.121 (enacted).]

ADMINISTRATIVE PROCEDURE ACT — state agencies may appeal from adverse common pleas decisions.

See Appeals, this index.

ADVERTISEMENT — not needed in contracts for public construction not exceeding one thousand dollars.

When the estimated cost of a public building, bridge, or bridge substructure, or of making an addition or repair, does not exceed one thousand dollars, it may be let at private contract without publication or notice. The maximum was two hundred dollars and some notice was required prior to the amendment. [Amended House Bill No. 156, effective date October 2, 1953, OHIO REV. CODE § 153.42 (amended) and § 153.41 (repealed).]

AGENCIES, STATE — may appeal judgments of common pleas courts. See Appeals, this index.

AGRICULTURAL SOCIETIES — must be certified to receive contributions.

No money shall be appropriated to or for the use of any county or independent agricultural society unless the Director of Agriculture has certified to the board of county commissioners that the society is complying with all laws, rules, and regulations governing the operation of county or independent agricultural societies. [Amended House Bill No. 548, effective date October 21, 1953, OHIO REV. CODE §§ 1711.15, 1711.17, and 1711.22 (amended).]

AID FOR THE AGED — benefits increased.

No person is eligible for aid for the aged benefits if his income from all sources, except aid payments, exceed nine hundred sixty dollars a year. Formerly seven hundred twenty dollars was the maximum. The division of aid for the aged shall review annually aid payments and adjust standards in accordance with current living costs.

In addition the act increases the maximum old age benefits from sixty to sixty-five dollars a month. [Amended Substitute House Bill No. 814, effective date October 26, 1953, OHIO REV. CODE §§ 5105.05 and 5105.07 (amended).]

AID FOR THE AGED — division's lien attaches only to property specifically described in the certificate.

When the certificate describing real estate owned by a recipient of aid for the aged or his spouse is filed with the division of aid for the aged, the division shall file the certificate, or a certified copy, with the county recorder in every county in which such de-

scribed real property is situated. From the time of such filing with the county recorder a lien attaches to the property described in the certificate for all amounts of aid which thereafter are paid. [Amended Senate Bill No. 345, effective date October 21, 1953, OHIO REV. CODE § 5105.24 (amended).]

AID TO THE BLIND — increased benefits.

This act increases the maximum benefits for blind persons entitled to aid under sections 333.01 to 333.11, inclusive, of the Revised Code, from sixty dollars a month to sixty-five dollars a month. [Amended Senate Bill No. 87, effective date October 21, 1953, OHIO REV. CODE § 333.03 (amended).]

APIARIES — bee inspection rotary fund is made permanent.

The "bee inspection rotary fund" established September 7, 1951 and to continue until July 1, 1953 is made permanent by this act. [Amended House Bill No. 141, effective date October 2, 1953, OHIO REV. CODE § 909.15 (amended).]

APPEALS — state agencies may appeal judgments of common pleas courts.

This act permits a state agency to appeal from the judgments of common pleas courts under the administrative procedure act. In addition, in the event a suspension of an agency's order is granted pending a review by the court, such suspension of the agency's order shall not be vacated in the event an appeal is taken from the judgment of the court. [Amended Senate Bill No. 342, effective date October 21, 1953, OHIO REV. CODE § 119.12 (amended). See comment on this act, Part 1, page 408, *supra*.]

APPRAISERS FEES — may be charged against the estate.

This act amends section 2115.06 of the Revised Code so as to expressly permit the fees of court appointed appraisers of a decedent's estate to be charged against the estate as part of the costs of the probate proceeding. [Senate Bill No. 109, effective date October 2, 1953, OHIO REV. CODE § 2115.06 (amended).]

ARMORY — maximum amount to be expended by the state for the building or purchase of.

The maximum amount to be expended by the state for the

building or purchase of any armory is increased from one hundred fifty thousand to two hundred thousand dollars for one organization and from fifty thousand to sixty thousand dollars for each additional organized militia unit for which quarters are to be provided in each armory. [Amended House Bill No. 53, effective date October 2, 1953, OHIO REV. CODE § 5911.06 (amended).]

ATTORNEY GENERAL—to study narcotic laws and enforcement.

The Attorney General is authorized to make a study of the existing provisions of law relating to the control of narcotics and their use. For such study he may employ such assistants as he requires. The Attorney General shall make a report of his findings and recommendations to the Governor and the General Assembly on or before July 31, 1954. [Amended Senate Bill No. 33, effective date July 10, 1953.]

AUDITOR OF STATE—compensation and expenses of state examiners chargeable to the various taxing districts.

The total amount of compensation paid state examiners, of the bureau of inspection and supervision of public offices, their expenses, and the cost of typing reports shall be borne by the taxing districts to which such state examiners are so assigned, except the annual vacation and sick leave of state examiners and typists shall be financed from the general revenue fund of the state through biennial appropriations by the General Assembly.

The chief inspector and supervisor of public offices and the deputy inspectors and supervisors shall not appoint more than two hundred seventy-five state examiners for assignment to municipal, county, township, and school taxing districts during any one month. [Amended Substitute House Bill No. 705, effective date October 2, 1953, OHIO REV. CODE § 117.15 (amended) and § 117.16 (enacted).]

AUDITOR OF STATE—may audit books of the Ohio Turnpike Commission.

The Auditor of State may audit not more than once each year the accounts and transactions of the Ohio Turnpike Commission and make an inventory of money, bonds, and other property in its possession. [Amended Substitute House Bill No. 626, effective date October 16, 1953, OHIO REV. CODE § 115.51 (enacted).]

AUDITOR OF STATE—state examiners to be reimbursed for travel expenses.

Each state examiner of the bureau of inspection and supervision of public offices shall be reimbursed for travel, including meals, hotels, and other actual and necessary expenses when traveling on official business and away from his headquarters or the place of his principal assignment, in the manner and at the same rates as are provided by the rules and regulations of the department of finance governing travel. Heretofore, the examiners were allowed an allowance of two dollars per day in lieu of personal maintenance expenses, when away from home or the place of his principal assignment. [Substitute House Bill No. 706, effective date October 2, 1953, OHIO REV. CODE § 117.02 (amended).]

AUTOMOBILE REGISTRATION FUND — reallocation of receipts.

See Motor Vehicles, this index.

AXLE — definition of.

This act defines the word "axle" as used in sections 5577.01 to 5577.14, inclusive of the Revised Code as one or more load-carrying wheels mounted in a single transverse vertical plane. It defines the phrase "spacing between axles" as the distance between any two successive such planes. [Amended Senate Bill No. 333, effective date October 23, 1953, OHIO REV. CODE § 5577.01 (amended).]

AXLE MILE — highway use tax enacted.

See Taxes, this index.

BASTARDY PROCEEDINGS — appointment of a referee.

The act enables the juvenile judge to appoint a referee to examine the complainant in a bastardy proceeding, provided no objections are raised by the parties or counsel. Upon a plea of guilty the referee may make adjudications and orders subject to the approval of the court. [Amended House Bill No. 25, effective date October 2, 1953, OHIO REV. CODE §§ 3111.04, 3111.05, 3111.06, 3111.07, 3111.15, and 3111.17 (amended).]

BEDDING MATERIAL — inspection and regulation.

This act makes several changes in the law regarding the inspection and supervision of bedding material. It provides that the Director of Industrial Relations may issue a license to registrants in lieu of requiring the use of adhesive stamps. It provides for a \$50,000

reserve operating fund for the division of bedding inspection before any funds are transferred to the general revenue fund. Inspectors are given authority to place articles of bedding "off sale" if sections 3713.01 to 3713.11, inclusive, of the Revised Code are violated. Persons failing to appear in a court of record to answer a charge of violation of section 3713.09 of the Revised Code shall have their registration revoked by the Director of Industrial Relations. In addition, the act makes several changes in definitions and language. [Amended Senate Bill No. 156, effective date October 2, 1953, OHIO REV. CODE §§ 3713.01, 3713.02, 3713.03, 3713.05, 3713.06, 3713.08, and 3713.09 (amended).]

BOARDS OF EDUCATION — financial assistance to, increased.

This act increases the amount of state financial assistance allowed boards of education by increasing the amount per pupil of the various classifications. It also requires each school district to set up a membership record by grades showing certain information for each pupil enrolled and to keep the record intact for five years. The minimum salary for certain classes of teachers is also increased by this act. [Amended Substitute Senate Bill No. 23, effective date January 1, 1954, OHIO REV. CODE §§ 3317.02, 3317.04, 3317.05, and 3317.06 (amended) and § 3317.021 (enacted).]

BOARD OF TAX APPEALS — taxpayer may appeal to the court of appeals.

The act permits a taxpayer to appeal to a court of appeals from an adverse decision of the Board of Tax Appeals. Formerly the taxpayer had to appeal directly to the Supreme Court. [Amended House Bill No. 220, effective date October 2, 1953, OHIO REV. CODE § 5717.04 (amended). See comment on this act, Part 1, page 494, *supra*.]

BOAT DOCKS — fees.

An annual fee of three dollars is charged to the owner of land adjacent to and having a dock extending over Buckeye Lake, Indian Lake, Lake St. Marys, Portage Lakes, or Lake Loramie. If such owner has more than one boat regularly moored at such dock, he shall pay a fee of one dollar for each additional boat. [Amended Senate Bill No. 207, effective date October 19, 1953, OHIO REV. CODE § 1541.22 (amended).]

BONDS — issue of for permanent improvements by a political subdivision.

Bonds heretofore or hereafter authorized by the electors to pay for permanent improvements and which are not payable in whole or in part from special assessments may be issued upon the declaration by the taxing authority of the necessity to issue such bonds and prior to the institution or completion of any proceedings required by any provision of law (Uniform Bond Act) to authorize the making of the improvement or the expenditure of the proceeds of the bonds. [Amended House Bill No. 45, effective date October 2, 1953, OHIO REV. CODE § 133.24 (amended).]

BONDS — urban redevelopment, brought under Uniform Bond Act.

Municipal corporations may issue bonds for urban redevelopment projects. The maturity of such bonds shall not extend beyond fifty years, but they may be redeemed prior to maturity at par or at a maximum premium of one and one-half per cent. To the extent that such bonds do not exceed two per cent of the total value of all property in the municipal corporation they shall not be considered in the limitation of the net indebtedness as provided by law. [Amended Substitute Senate Bill No. 256, effective date July 17, 1953, OHIO GEN. CODE §§ 2293-6, 2293-9, 2293-12, and 2293-14 (amended) and Amended Senate Bill No. 329, effective date October 1, 1953, OHIO REV. CODE §§ 133.03, 133.20, 133.22, and 133.23 (amended).]

BUILDING AND LOAN ASSOCIATIONS — may make G. I. loans to Korean veterans.

This act permits a building and loan association to make any loan secured by lien on real estate if a conditional guarantee of the loan has been issued by the federal administrator of veterans' affairs, or by the United States. Formerly veterans' loans were limited to persons coming under the "Servicemen's Readjustment Act of 1944." This act extends such loans to Korean veterans. [Amended Senate Bill No. 250, effective date October 21, 1953, OHIO REV. CODE § 1151.31 (amended).]

BUILDING AND LOAN ASSOCIATIONS — name may include "American."

A building and loan association may use the word "American" in its name. The former law expressly prohibited the use of this word in the name of a building and loan association. [Amended Senate Bill No. 61, effective date October 2, 1953, OHIO REV. CODE § 1151.07 (amended).]

BUILDING AND LOAN ASSOCIATIONS — payment of dividends.

A building and loan association is not required to credit or pay dividends on accounts of less than ten dollars. The restriction that the undivided profit fund shall at no time exceed five per cent of the total assets of the association is removed by this act. [Amended House Bill No. 331, effective date October 2, 1953, OHIO REV. CODE § 1151.52 (amended).]

BUILDING AND LOAN ASSOCIATIONS — qualifications of directors.

This act requires that directors of building and loan associations elected after October 2, 1953, have unpledged and unencumbered deposits or other investments in the association in the amount of one hundred twenty-five dollars for associations with assets under two hundred fifty thousand dollars, two hundred fifty dollars for associations with assets between two hundred fifty thousand dollars and one million dollars, and five hundred dollars for associations with assets exceeding one million dollars. If a director fails to maintain such deposits during his term, he shall cease to be a director. The act also provides that the compensation of directors be fixed by the stockholders at the annual meeting. [Amended Senate Bill No. 136, effective date October 2, 1953, OHIO REV. CODE § 1151.15 (amended).]

BUILDING AND LOAN ASSOCIATIONS — stock records.

This act requires that a list of shareholders be exhibited by a building and loan association to shareholders or their duly authorized representative as the constitution and by-laws of the association may provide. [Amended Senate Bill No. 293, effective date October 21, 1953, OHIO REV. CODE § 1151.10 (amended).]

BURIAL VAULTS — prohibits discriminatory charges for installation.

No person, partnership, association, or corporation shall make or collect any charge pertaining to the delivery or installation of a burial vault in a cemetery, except when the charge is for service actually performed or expense actually incurred in aid of the installation, in which case the charges shall be equal for similar services in the same cemetery. Violators are subject to a fine of from fifty to five hundred dollars. [Amended Substitute Senate Bill No. 269, effective date October 29, 1953, OHIO REV. CODE § 1721.20 (enacted) and § 1721.99 (amended).]

CEMETERY — removal or injury to plants or other adornments prohibited.

This act prohibits any person, without lawful authority, from removing or maliciously injuring a plant or other adornment in or around a cemetery or burial place. It also prohibits any person from driving in a cemetery for the purpose of plowing the cemetery ground. [Amended Senate Bill No. 302, effective date October 21, 1953, OHIO REV. CODE § 155.03 (amended).]

CENTRAL STATE COLLEGE — (Wilberforce University).

This act provides that all teachers at Central State College are members of the state teachers retirement system. The act also changes the name of the Wilberforce University Housing Commission to the Central State College Housing Commission. [Amended Senate Bill No. 226, effective date October 13, 1953, OHIO REV. CODE §§ 3307.24 and 3347.01 (amended).]

CHARITABLE TRUSTS — attorney general to regulate.

This act provides for the enforcement, supervision, and registration of charitable trusts by the attorney general. [Amended Substitute Senate Bill No. 196, effective date October 14, 1953, OHIO REV. CODE §§ 109.23 to 109.33, inclusive, (enacted) and § 109.11 (repealed). See comment on this act, Part 1, page 357, *supra*.]

CHATTEL MORTGAGE — may be destroyed by county recorder.

This act permits a county recorder to destroy chattel mortgages and the indexes thereof three years after the time for refileing chattel mortgages has expired. Formerly the time was set at six years. [Amended House Bill No. 419, effective date October 2, 1953, OHIO REV. CODE § 1319.05 (amended).]

CIGARETTE LICENSE — suspension and revocation procedure.

The tax commissioner shall send notice of the order of suspension or revocation both to the licensee and the county auditor. The licensee shall surrender his license to the county auditor and upon refusal the licensee shall be deemed to be engaged in the wholesale or retail business of trafficking in cigarettes without a license.

No license shall be issued by the county auditor to a person, whose license has been revoked by the tax commissioner, for a period of one year following such revocation and such person shall not be eligible to apply for a new license for a period of one year following the order of revocation. [Amended House Bill No. 509,

effective date October 2, 1953, OHIO REV. CODE § 1333.211 (enacted).]

CITY HEALTH DISTRICT — may contract with district advisory council.

This act permits a city constituting a city health district to contract for public health service with the district advisory council of the general health district. The former law provided for such contracts only with another city. [Amended Senate Bill No. 12, effective date October 2, 1953, OHIO REV. CODE § 3709.08 (amended).]

CIVIL DEFENSE — laws on, redesignated.

This act recodifies the Ohio Civil Defense laws by placing them into a separate chapter of the Revised Code. [Amended Senate Bill No. 267, effective date October 13, 1953, OHIO REV. CODE §§ 5915.15 to 5915.25, inclusive (amended).]

CIVIL DEFENCE — protection of property owners from personal liability.

During a period of emergency resulting from enemy action or disaster, or during scheduled and supervised alerts, drills, or maneuvers, the owner of property used or utilized for practice alerts, drills, or maneuvers without compensation for the use thereof shall not be liable for the death or injury to any person or any damage to property occurring as a result of civil defense activity. [Amended House Bill No. 59, effective date October 16, 1953, OHIO REV. CODE § 5915.08 (amended).]

CIVIL DEFENCE — structure, immunities, etc.

This act makes many changes in the law relative to the civil defense structure in Ohio. It permits two or more counties to join in a regional civil defense organization; prescribes certain powers and duties of local, county-wide, or regional civil defense organizations; and provides for immunity from liability for all persons and political subdivisions performing civil defense services in good faith and for owners of property used for civil defense purposes against persons injured there. The new law also prescribes certain penalties for persons unlawfully wearing a civil defense insignia, spreading false rumors of an enemy attack, tampering with any air raid warning system, or sending or simulating an official air raid signal. [Amended Substitute Senate Bill No. 138, effective date October 16,

1953, OHIO REV. CODE §§ 5915.01, to 5915.14, inclusive, (amended) and §§ 5915.141, 5915.142, 5915.143, and 5915.99 (enacted).]

CIVIL SERVICE COMMISSION — temporary classifications and assignments continued by.

All temporary classifications, assignments and reassignments of classes to pay ranges made by the state civil service commission since the adjournment of the 99th General Assembly under authority of Sections 486-7a and 486-7b of the Ohio General Code and now in full force and effect, shall continue in full effect and operation until December 2, 1953, unless sooner changed by the commission. [Amended Senate Bill No. 355, effective date July 20, 1953, OHIO GEN. CODE § 486-7f (enacted).]

CIVIL SERVICE COMMISSIONERS — salary increased.

These acts increase the permanent annual salary of civil service commissioners from four thousand to six thousand dollars. Under the former law such commissioners were receiving six thousand dollars under a provision which expired June 30, 1953, at which time their salary would have reverted to four thousand dollars. [Amended Senate Bill No. 259, effective date July 16, 1953, OHIO GEN. CODE § 486-4 (amended) and Amended Senate Bill No. 260, effective date October 1, 1953, OHIO REV. CODE § 143.05 (amended).]

COMMISSIONERS, COUNTY — shall approve amount of county recorder's bond.

See County Recorders, this index.

COMPENSATION — increase for municipal court judges allowed.

See Municipal Court Judges, this index.

CORPORATIONS — contributions to charitable institutions.

The act provides that every domestic corporation, unless otherwise provided in the articles of incorporation, may cooperate with other corporations and with natural persons in making contributions to organizations operated solely for charitable, scientific, hospital, or educational purposes. The board of directors, trustees, or other governing body has power to contribute the money, but whenever the amount contributed in any one year equals five per cent of the corporation's annual income before taxes or equals one per cent

of the corporation's capital and surplus, whichever is greater, ten days' notice must be given to shareholders before any further amounts can be contributed. If twenty-five per cent of the shareholders object in writing, no more money shall be contributed nor obligations incurred until it has been authorized by majority vote at a shareholders' meeting. [Amended Substitute Senate Bill No. 65, effective date October 2, 1953, OHIO REV. CODE § 1702.26 (amended).]

COUNTIES — authorized to acquire, construct, own, lease, and operate subways.

See Subways, this index.

COUNTIES — by agreement may participate in the maintenance and operation of municipal universities.

See Municipal Universities, this index.

COUNTIES — may establish joint probation departments.

See Probation Department, this index.

COUNTY CHILD WELFARE BOARD — executive secretary may consent to medical treatment and enlistment of a ward in the armed forces.

Upon the advice of one or more reputable practicing physicians, the executive secretary of a county child welfare board may consent to such medical, dental, and surgical care, including surgery and the administration of anesthetics, inoculations, and immunizations, or other care as appears to be necessary for any child who is a ward of the board or department of welfare. The executive secretary may also consent to the enlistment of the ward into the armed forces of the United States. [Amended House Bill No. 494, effective date October 2, 1953, OHIO REV. CODE § 335.11 (amended).]

COUNTY CHILD WELFARE BOARD — may be established.

Formerly, in any county in which a county department of welfare had been established, and in which there was no county child welfare board on January 1, 1946, none could have been created. This act authorizes the county commissioners by a resolution unanimously adopted to establish a county child welfare board of five members in any county where the department of welfare is per-

forming the duties of a county child welfare board. [Amended House Bill No. 317, effective date October 2, 1953, OHIO REV. CODE §§ 335.02, 335.06, and 335.07 (amended).]

COUNTY COMMISSIONERS — authorized to appropriate money for training sheriffs and deputy sheriffs.

The board of county commissioners may appropriate funds to pay the expenses of the sheriff or deputy sheriffs while going to, attending, and returning from any police training school, whether within or without the state. [Amended Substitute House Bill No. 174, effective date October 2, 1953, OHIO REV. CODE § 307.72 (enacted).]

COUNTY COMMISSIONERS — may make special levies to carry out health programs.

See Health Districts, this index.

COUNTY EMPLOYEES — vacation leave extended.

Employees in the several offices and departments of the county service having fifteen or more years of service are entitled to three calendar weeks of vacation leave. Employees working on an hourly basis are entitled to one day vacation leave for each one hundred seventy-three and one-third hours worked. Formerly one day vacation was granted for each one hundred ninety-two hours worked. [Amended Substitute House Bill No. 605, effective date October 30, 1953, OHIO REV. CODE § 325.19 (amended).]

COUNTY HOSPITALS — funds to be placed in banks.

The board of county hospitals trustees shall deposit all moneys received from the operation of the hospital or appropriated for its operation or resulting from special levies in banks or trust companies. The bank or trust companies shall give the board a bond in an amount equal to the funds deposited. Formerly the moneys were on deposit with the county treasurer.

The administrator employed by the board and other employees as are deemed necessary shall be bonded. [Amended House Bill No. 355, effective date October 13, 1953, OHIO REV. CODE § 339.06 (amended).]

COUNTY JAIL MATRONS — compensation.

The probate judge formerly fixed the salary of the county jail

matrons and at a sum not to exceed two hundred dollars per month. This amendment strikes out both provisions from the law and provides that a matron may enter into a contract with the sheriff for the preparation of food for the feeding of prisoners and other persons placed in the sheriff's charge. [Amended House Bill No. 273, effective date October 2, 1953, OHIO REV. CODE § 341.20 (amended).]

COUNTY RECORDERS—amount of bond to be approved by county commissioners.

The board of county commissioners shall approve the amount of the county recorder's bond, which must be at least two thousand dollars. The former law provided for a flat two thousand dollar bond for county recorders. [Amended Senate Bill No. 254, effective date October 13, 1953, OHIO REV. CODE § 317.02 (amended).]

COUNTY RECORDS COMMISSION—may destroy certain records after fifteen years.

A county records commission shall have the power to consider the destruction or other disposition of records, papers, or instruments not specifically required by law to be kept, if more than fifteen years old and if they do not pertain to any pending case, claim, or action and no longer have any value, historical or otherwise. The act sets out the necessary steps required before the records may be destroyed. A penalty is provided for failure to comply. [Amended House Bill No. 325, effective date October 2, 1953, OHIO REV. CODE § 149.99 (amended) and § 149.381 (enacted).]

COUNTY SCHOOL DISTRICT—failure of board of education to perform its duties.

If the board of education of a county school district fails to perform its duties imposed upon it or fails to fill a vacancy in such board within a period of thirty days after such vacancy occurs, the probate court of the county in which such district is located shall act as the board and perform all duties imposed upon the board. Formerly provision was made only for city and exempted village school districts. [Amended House Bill No. 318, effective date October 2, 1953, OHIO REV. CODE § 3313.85 (amended).]

COUNTY WELFARE ADVISORY BOARD—deputy or probation officer of the juvenile court may be a member.

The board of county commissioners may appoint, in lieu of the

juvenile judge, as a member of the county welfare advisory board, a deputy or probation officer of his court, provided the juvenile judge acquiesced in the appointment. [Amended House Bill No. 493, effective date October 23, 1953, OHIO REV. CODE § 329.06 (amended).]

CRIME — to hold a guard or officer as a hostage.

No person in the legal custody of guards or officers shall hold a guard or officer as hostage. Violators are subject to imprisonment in a jail or workhouse not more than six months or in the penitentiary not less than one nor more than five years.

No person shall convey or attempt to convey into the penitentiary, a state reformatory, a state hospital, county jail, workhouse, or city jail any thing to effect the escape of a prisoner or inmate lawfully detained therein. Formerly it was unlawful only if attempting to effect the escape of a felon confined in the penitentiary or other place of confinement. Violators shall be imprisoned not less than one nor more than five years. [Amended Substitute House Bill No. 88, effective date October 2, 1953, OHIO REV. CODE §§ 2901.11 and 2917.14 (amended).]

CRIMINAL LAW — carrying and sale of switch blade knives prohibited.

See Switch Blade Knives, this index.

CRIMINAL LAW — trial procedure.

Under the provisions of this act, a defendant in a criminal trial who has been granted leave to file an appeal under Section 2953.05 of the Revised Code may file a bill of exemptions within such time as the court may fix, which in no case shall be more than thirty days from the order granting such leave to appeal from sentence and judgment. [Amended Senate Bill No. 112, effective date October 2, 1953, OHIO REV. CODE § 2945.65 (amended).]

CRUELTY To ANIMALS — penalty increased.

This act provides for a fine of not less than ten nor more than two hundred dollars, or imprisonment for not more than ninety days, or both, for being cruel to animals in violation of Section 959.13 of the Revised Code. The former law provided for a fine or from two to two hundred dollars for a first offense and from ten to two hundred dollars or imprisonment for sixty days, or both, for

each subsequent offense. [Amended Senate Bill No. 258, effective date October 2, 1953, OHIO REV. CODE § 959.99 (amended).]

DEPARTMENT OF HIGHWAYS — reorganized.

See Highway Department, this index.

DEPARTMENT OF LIQUOR CONTROL — issuance of D-4 permits.

A D-4 permit may be issued to a unit of an organization chartered by the United States Congress or a subsidiary unit of a national fraternal organization, when the parent organization has been in existence for eight years or more at the time application is made for such permit, notwithstanding any rule or regulation promulgated by the board of liquor control limiting the number of D-4 permits which may be issued. [Amended Senate Bill No. 137, effective date October 2, 1953, OHIO REV. CODE § 4303.291 (enacted).]

DEPARTMENT OF MENTAL HYGIENE AND CORRECTION — created.

See Mental Hygiene, this index.

DIRECTIONAL SIGNALS — required.

See Motor Vehicles, this index.

DIRECTOR OF HEALTH — must certify registered deaths to tax commissioner annually.

See Tax Commissioner, this index.

DISTURBANCE OF THE PEACE — prohibited.

No person shall, after a request to desist, make or cause to be made any unreasonably loud, disturbing, and unnecessary noise of such a character and duration as to disturb the peace and quiet of the community. A fine of not less than ten nor more than fifty dollars is provided for offenders. [Amended Substitute Senate Bill No. 28, effective date October 2, 1953, OHIO REV. CODE § 2923.41 (enacted).]

DITCHES — petition for maintenance fund requires three signers.

Under the former law a majority of landowners in a drainage area affected by a county or joint county ditch, or which shall be

affected by an incomplete ditch could petition for the establishment of a maintenance fund to be permanently created for upkeep and repair on such ditch. Under the present act three or more landowners may petition. [Amended House Bill No. 454, effective date October 2, 1953, OHIO REV. CODE § 6137.02 (amended).]

DOMESTIC SCIENCE — trainees permitted to work in hotels.

Persons between the ages of sixteen and eighteen, who are enrolled in domestic science in a bona fide school may work in a hotel or restaurant as part of a cooperative training program between the hotel or restaurant and the school. The former law prohibited any person under eighteen from working in a hotel. [Amended Senate Bill No. 187, effective date October 26, 1953, OHIO REV. CODE § 4109.12 (amended).]

EDUCATION, BOARDS OF — procedure for filling vacancies is changed.

A vacancy in a board of education must be filled by the board at its next regular or special meeting. A majority vote of all the remaining members of the board may fill the vacancy for the unexpired term, not just until the next regular municipal election as was required by the amendment in 1951 [Amended House Bill No. 181, effective date October 21, 1953, OHIO REV. CODE § 3313.11 (amended).]

EDUCATION — increase in amounts allowed for handicapped children.

This act increases the maximum amount of money for the education of handicapped children. A board of education is now allowed up to four hundred dollars for nine months for each child and proportionate amounts for those instructed more or less than nine months. The cost of boarding persons included in Section 3323.12 of the Revised Code is also allowed. The former law limited this boarding allowance to two hundred fifty dollars for each person so boarded for nine months. [Amended Senate Bill No. 114, effective date October 21, 1953, OHIO REV. CODE § 3323.07 (amended).]

EDUCATION — special classes for the handicapped.

This amendment authorizes the superintendent of public instruction to grant permission to any board of education to establish and maintain classes for the instruction of blind persons over the age of three. Under the former law, such permission could only be

granted to establish classes for blind persons over the age of five. The superintendent has power to arrange with any college or university for the classroom and in-service training of teachers for handicapped children. [Amended Senate Bill No. 81, effective date October 2, 1953, OHIO REV. CODE § 3323.01 (amended).]

ELECTIONS — omnibus bill relative to.

This is an omnibus bill designed to correct technical errors and inconsistencies and to clarify the election laws of Ohio. [Amended Senate Bill No. 242, effective date January 1, 1954, OHIO REV. CODE §§ 131.23, 133.09, 133.11, 133.16, 133.17, 133.18, 139.02, 303.11, 345.01, 345.02, 345.03, 505.13, 505.14, 505.15, 511.01, 511.08, 511.22, 511.25, 511.28, 511.33, 513.13, 517.05, 519.11, 519.25, 707.21, 731.28, 731.29, 731.31, 759.25, 1545.21, 1711.15, 3313.11, 3501.03, 3501.08, 3501.11, 3501.12, 3501.15, 3501.17, 3501.18, 3501.21, 3501.22, 3501.24, to 3501.31, inclusive, 3501.36, 3503.01, 3503.02, 3503.04, 3503.06, 3503.09, 3503.11, 3503.12, 3503.14, 3503.16, 3503.18, 3503.22, 3505.02, 3505.03, 3505.04, 3505.06, 3505.08, 3505.18, 3505.20, 3505.23, 3505.26, 3505.27, 3505.31, 3507.01, 3507.14, 3509.01, 3509.03, 3509.04, 3509.05, 3509.06, 3509.08, 3511.03, 3511.05, 3511.09, 3511.10, 3513.05, 3513.07, 3513.08, 3513.10, 3513.11, 3513.14, 3513.15, 3513.18, 3513.21, 3513.24, 3513.28, 3513.31, 3513.32, 3515.03, 3517.08, 3517.10, 3709.29, 4301.33, 4305.14, 5705.19, and 5705.25 (amended, §§ 507.051, 709.011, 3313.261, 3503.33, 3505.071, 3513.191, 3513.251, 3513.252, 3513.253, 3513.254, 3513.255, 3513.256, 3513.257, 3513.258, 3513.261, 3513.262, 3513.263, 3513.271, and 3513.291 (enacted), and §§ 3501.19, 3513.25, 3513.26, 3513.27, and 3513.29 (repealed).]

ELECTIONS — venue may be changed for uniform rulings.

In any controversy involving or arising out of the adoption of registration or the appropriations of funds therefor, the Secretary of State may, through the Attorney General, bring an action in the name of the state in the common pleas court of the county where the cause of action arose or the Secretary of State may apply to the court for a change of venue and such change shall be allowed. [Amended House Bill No. 808, effective date October 21, 1953, OHIO REV. CODE § 3501.05 (amended).]

ELIMINATION OF FEE SYSTEM "JUSTICE" IN MAYORS' COURTS

Sub. H. B. No. 675 amends Sections 733.40, 1905.20, and 1905.21 of the Ohio Revised Code "relative to reducing the interest of mayors in the outcome of criminal cases."

of mayors in the outcome of criminal cases." This is achieved by eliminating the fee system for mayor's court after January 1, 1954, and placing mayors on a fixed annual salary for all their services including those in conjunction with the conducting of a mayor's court. OHIO REV. CODE § 1905.21.

Reports that mayors of small cities and villages were annually receiving large sums through the fee system, and in some instances even receiving more compensation than the judge of the court of common pleas in the same county, compelled the General Assembly to action. No longer need one fear the partiality of mayors in criminal cases, their only compensation for their services having in the past been dependent upon finding the defendant guilty, thereby reducing the likelihood of acquittal. OHIO GEN. CODE § 4550.

It is true that the United States Supreme Court held that trial before such a tribunal constitutes a violation of the due process provision of the 14th Amendment to the Constitution of the United States. *Tumey v. Ohio*, 273 U. S. 510 (1927), 50 A. L. R. 1243. But several state courts had held otherwise. *Bennett v. State*, 4 Tex. App. 72 (1878) (decided under the State Constitution); *Willmaker v. Terrell*, 3 Ga. App. 791, 60 S. E. 464 (1908); *State v. Tumey*, 4 Ohio L. Abs. 109 (1925), reversing a common pleas court decision in accord with the United States Supreme Court, *Tumey v. State* 25 Ohio N. P. N. S. 580 (1925). Even the Ohio Supreme Court in dismissing an appeal in the *Tumey* case could see no constitutional question involved. *Tumey v. State*, 115 Ohio St. 701, 155 N. E. 698 (1927). The Georgia court reaffirmed its position subsequent to the decision in the *Tumey* case, *supra*, without mention of that case. *Dennard v. State*, 46 Ga. App. 513, 168 S. E. 311 (1933).

Criminal trials before mayors (and justices of the peace, both of whom are on the fee basis) have flourished in spite of the decision in the *Tumey* case, *supra*, since this decision has been either little known or felt too expensive to argue. And, of course, many defendants appearing before a mayor's court are accused of only traffic violations and are without the benefit of counsel. This new amendment also protects these defendants, giving them a more fair and impartial trial.

This bill goes further and provides that if the mayor was the arresting officer, assisted in the arrest, or was present at the time of arrest, he is disqualified and shall not hear the case. OHIO REV. CODE § 1905.20, thus eliminating the situation where the mayor was in effect both prosecutor and trier of the facts. This provision was motivated by reports that at least one mayor was going out at night either alone or with a police officer looking for people to arrest so that he could take them to his court and fine them, and,

of course, collect a fee for his services.

Of necessity, the act empowers the legislative authority of a village not embraced within the jurisdiction of a municipal court to fix the compensation of the mayor for the term beginning January 1, 1954, notwithstanding Section 731.13 of the Ohio Revised Code. OHIO REV. CODE § 1905.20.

This act also changes the procedure whereby the mayor deposits all fines, costs, forfeitures, and fees either in the municipal treasury or the county treasury on the first day of each month. OHIO REV. CODE § 733.40.

The General Assembly failed to take any action to eliminate the fee system for justices of the peace in criminal cases. However, it would seem that the decision in the *Tumey* case, *supra*, would apply and justices of the peace be disqualified because of a pecuniary interest in the outcome of criminal cases except in cases where the defendant pleads guilty or in which the fee is so small that the doctrine of *de minimus non curat lex* applies as the court in the *Tumey* case, *supra*, suggested it sometimes might. However, a twelve dollar fee collected in that case was held not to fall within the rule of *de minimus*.

The decision in the *Tumey* case, moreover, failed to operate to diminish the number of criminal cases tried before mayors and justices of the peace in the twenty-six years since 1927, and it appears unlikely that a change will occur now. It is, therefore, up to the General Assembly to provide for an impartial trial for every defendant by eliminating the fee system for justices of the peace in criminal cases as well as for the mayors. [Amended Substitute House Bill No. 675, effective date October 13, 1953, OHIO REV. CODE §§ 733.40, 1905.20, and 1905.21 (amended).]

EMBALMERS AND FUNERAL DIRECTORS — examination of veterans.

Section 4717.05 of the Revised Code provides that the Board of Funeral Directors and Embalmers shall hold re-examinations for a period of five years from September 4, 1947. The Board must admit to the examinations any person who, on September 4, 1947 was registered and certified as an apprentice with the Board. This amendment provides that the Board shall hold re-examinations for a period of time equal to that time within the five-year period for persons who were prevented from taking the examinations and re-examinations by reason of military service. [Amended House Bill No. 233, effective date October 2, 1953, OHIO REV. CODE § 4717.15. (enacted).]

EMPLOYMENT—relaxed hours of employment for females and mi-

nors continued until 1955.

The act extends until September 1, 1955, the provisions of amended Senate Bill No. 232, 99th General Assembly, which relaxed the existing laws on employment of females and minors and which will expire on September 1, 1953. The provisions of Sections 4107.43, 4107.46, and 4109.22 of the Ohio Revised Code are suspended until September 1, 1955. [Amended Senate Bill No. 160, effective date September 26, 1953.]

EROSION — prevention of shore.

The act provides for greater participation by the state in the prevention of shore erosion. The state formerly could enter into agreements with the subdivisions for the purpose of constructing projects to prevent and arrest erosion. The state may now enter into agreements for maintaining the projects. [Amended House Bill No. 433, effective date October 30, 1953, OHIO REV. CODE §§ 1507.03, 1507.05, and 1507.08 (amended) and §§ 1507.051, 1507.052, 1507.12, and 1507.13 (enacted).]

EVIDENCE — certain interstate commerce commission documents made competent.

See Interstate Commerce Commission, this index.

EVIDENCE — waiver of privileged communications by the surviving spouse, executor, or administrator.

See Privileged Communications, this index.

FAIRGROUNDS, COUNTY — county engineer to supervise road construction, maintenance, and repair.

This act authorizes the county engineer to prepare plans, specifications, details, estimates of cost, and submit forms of contracts for the construction, maintenance, and repair of roads on county fairgrounds. [Amended Substitute House Bill No. 85, effective date October 2, 1953, OHIO REV. CODE § 315.08 (amended).]

FEES — fees charged by county recorder for recording deeds, mortgages, and other instruments of writing.

The act increases the fees charged by the county recorder for recording, indexing, or certifying copy when the photostat is employed from sixty to seventy cents. The recorder shall charge

twenty-five cents for recording assignment or satisfaction of leases or other marginal entries. [Amended House Bill No. 177, effective date October 15, 1953, OHIO REV. CODE § 317.32 (amended).]

FINANCIAL INSTITUTIONS — may close on certain weekdays.

A financial institution may remain closed on any certain weekday designated by its board of directors, provided that notice thereof is posted in the lobby of its principal office and branch offices and published in a newspaper of general circulation for two consecutive weeks not less than fifteen nor more than thirty days before closing on the certain weekday. When the notice requirements are met, the weekday on which the institution remains closed is a holiday for the purposes of the law relating to negotiable instruments. The former law permitted financial institutions to remain closed only on any Saturday or Monday. [Amended Senate Bill No. 52, effective date October 2, 1953, OHIO REV. CODE § 5.41 (amended).]

FINANCIAL INSTITUTIONS — restriction on hours of employment of females relaxed.

Notwithstanding Section 4107.46 of the Revised Code, financial institutions may employ females for not more than nine hours in any day, nor more than six days a week, and not to exceed forty-eight hours in any one calendar week. Females over eighteen may be employed ten hours in any one day provided the work is divided into two or more periods which fall within twelve consecutive hours.

During periods of time that an extraordinary condition exists caused by the preparation of reports to state departments or to the federal government, the limitation on the number of hours worked in any one day shall not apply to those actually engaged in making out such reports. [Amended House Bill No. 274, effective date October 12, 1953, OHIO REV. CODE § 4107.47 (amended).]

FINANCIAL RESPONSIBILITY LAW — filing of reports under.

See Accidents, this index.

FIRE DEPARTMENTS — must provide gas masks.

Every political subdivision which operates a fire department must provide at least two gas masks for each fire station. Adequate instructions shall be given by the chief of the fire department in

the use of the masks. [Amended House Bill No. 337, effective date October 6, 1953, OHIO REV. CODE § 3737.31 (enacted).]

FRATERNAL BENEFIT SOCIETIES — exemption from insurance regulations.

This act expressly excludes the Fraternal Order of Eagles and the Loyal Order of Moose from the provisions of Sections 3921.01 to 3921.45, inclusive, of the Revised Code relative to insurance by fraternal benefit societies. [Amended Senate Bill No. 199, effective date October 16, 1953, OHIO REV. CODE § 3921.40 (amended).]

FUNERAL PLANS — separate fund required when prearranged.

This act requires funeral directors to deposit all funds received under a prearranged funeral agreement in a bank under a special account which shall be held for the person for whose benefit such fund was established as a prearranged funeral plan account. The bank shall release the funds only upon evidence of death of such person or upon demand of such person while he is yet alive. Up to one thousand dollars fine or one year imprisonment is provided for violations. [Amended Substitute Senate Bill No. 186, effective date October 14, 1953, OHIO REV. CODE § 1317.12 (enacted) and § 1317.99 (amended).]

GARBAGE — regulation of, to prevent the transmission of diseases to animals or man.

No person shall feed or permit the feeding of garbage to swine or poultry unless a special written permit to do so has been received from the Director of Agriculture. Persons permitted to feed garbage to swine or poultry must heat the garbage to a temperature of 212° F., for a period of thirty minutes.

A special permit issued by the Director of Agriculture is also required for the admission into the state of garbage-fed swine. Provision is made that such swine shall be consigned for immediate slaughter.

The Director of Agriculture may promulgate rules and regulations pursuant to the act. The act exempts individuals who feed their own household garbage to their own animals.

Whoever violates the provisions of the act shall be fined not less than twenty-five nor more than one hundred dollars. For each subsequent violation, such person shall be fined not less than one hundred nor more than five hundred dollars or imprisoned not less than ninety days nor more than six months, or both. [Amended

Substitute House Bill No. 48, effective date October 2, 1953, OHIO REV. CODE §§ 942.01 to 942.15, inclusive, and 942.99 (enacted).]

GENERAL CODE—section repealed.

This act repeals Section 14219-44 of the General Code, which established boundaries of canal reservoir lands owned by the state in Summit, Licking, Perry, Fairfield, Logan, Mercer, Auglaize, and Shelby counties. [Amended Senate Bill No. 124, effective date October 6, 1953, OHIO GEN. CODE § 14219-44 (repealed).]

GRAND JURY—selection of an alternate juror.

In an inquiry before the grand jury when it appears to the judge impaneling the jury that the inquiry is likely to be protracted, upon direction of the judge after the jury has been impaneled and sworn, an additional or alternate juror shall be selected in the same manner as the regular jurors in the inquiry were selected. The alternate juror shall be treated in the same manner as a regular juror except that he shall be discharged upon the final submission of the bill to the foreman, or if before the final submission of the bill to the jury, a juror dies or is discharged, the additional or alternate juror shall become one of the jury and serve in all respects as though selected as an original juror. [Amended House Bill No. 112, effective date October 14, 1953, OHIO REV. CODE § 2939.031 (enacted).]

HEALTH DISTRICTS—special levies by county commissioners to carry out health program.

This act clarifies the language when special levies may be made by the county commissioners in order to meet the expenses of a general health district program. The Board of Health shall certify the fact of insufficient funds to the county commissioners. If the commissioners find that a special levy outside the ten mill limitation is necessary, the question of the additional levy shall be submitted to the electors of the health district.

The additional levy may now extend for a five year period while under the former law a one year levy was the maximum. [Amended House Bill No. 77, effective date October 2, 1953, OHIO REV. CODE § 3709.29 (amended) and Amended Senate Bill No. 271, effective date June 30, 1953, OHIO GEN. CODE § 1261-40a (amended).]

HIGHWAYS—director may hire consulting engineers.

The Director of Highways may employ consulting engineers

with the consent of the controlling board and may enter into contracts with any qualified person, firm, partnership, or association for such services. In awarding such contracts advertisement for bids is not required. The use of the consulting engineers shall be restricted to projects in excess of \$1,000,000 based upon preliminary estimates prepared by the Department of Highways and to preliminary investigations of limited access highways, freeways, or bridges. [Amended House Bill No. 805, effective date October 16, 1953, OHIO REV. CODE § 5501.10 (amended).]

HIGHWAYS — spike, lugs, etc. prohibited on.

No person shall tow or in any way pull another vehicle over the improved highways of the state, or any political subdivision, which towed or pulled vehicle has tires or wheels equipped with ice picks, spuds, spikes, chains or other projections of any kind. [Amended House Bill No. 538, effective date October 16, 1953, OHIO REV. CODE § 5589.08 (amended).]

HIGHWAY ACCIDENTS — payment of hospital expenses for a patient injured increased.

The act increases the per diem cost payable to a hospital which cares for indigent patients suffering from motor vehicle injuries from ten dollars a day to a sum equal to the weighted average per diem cost of the twenty-five highest cost hospitals listed in the uniform annual report submitted to the department of health by the hospitals in the state.

[Amended House Bill No. 491, effective date October 29, OHIO REV. CODE §§ 4515.03, 4515.05, 4515.07, and 4515.08 (amended).]

HIGHWAY DEPARTMENT — reorganization.

Section 5501.03 of the Revised Code required the Director of Highways to be qualified as a competent registered professional civil engineer, experienced in all branches of highway establishment, construction, maintenance, and repair. This amendment removes such limitation. The Director's salary is increased to twelve thousand dollars per year. The act exempts the first assistant director and the four deputy directors from the state civil service requirements.

In addition the act creates four divisions to administer the functions of the department. The divisions of administration, planning and programming, design and construction and operations shall

be administered by deputy directors who shall have certain qualifications as set forth in the act.

Further, the Director of Highways shall divide the state into not exceeding twelve divisions. Formerly the state was divided into fifteen divisions and eighty-eight resident districts. [Amended Senate Bill No. 200, effective date November 7, 1953, OHIO REV. CODE §§ 5501.03, 5501.04, 5501.05, and 5501.06 (amended) and § 5501.07 (repealed).]

HIGHWAY PATROL — pension credit for members transferring to the public employees retirement system.

When a contributor has ceased to be a member of the Highway Patrol pension system and is not receiving or eligible to receive any benefits under that system and has become a member of the public employees retirement system, and has paid the amount of employee's contribution required, then the Highway Patrol pension system shall be required to pay into the public employees retirement system the full employer liability as provided by Section 145.44 of the Revised Code. [Amended Substitute House Bill No. 716, effective date October 2, 1953, OHIO REV. CODE § 5505.15 (amended).]

HIGHWAY SAFETY — a new department established.

The act creates a department of highway safety. The department shall administer and enforce the laws relating to the registration, licensing, sale, and operation of motor vehicles and the licensing of drivers. The Bureau of Motor Vehicles and the Highway Patrol formerly under the jurisdiction of the Department of Highways are transferred to this new department. [Amended House Bill No. 243, effective date October 2, 1953, OHIO REV. CODE §§ 121.02, 121.03, 141.03, 4501.02, 4501.04, 4503.04, 4503.10, 4503.21, 4503.22, 4503.26, 4503.37, 4505.14, 4505.17, 4509.03, 4513.37, 4517.10, 5501.02, 5503.01, 5503.03, 5503.05, 5503.21, and 5503.23 (amended) and § 5502.01 (enacted). See comment on this act, Part 1, Page 389, *supra*.]

HISTORICAL MOTOR VEHICLES — license fees.

A license tax of ten dollars is levied on motor vehicles over 35 years old and not used for general transportation in lieu of the annual license tax. The license plates issued shall be valid without renewal as long as the vehicle is in existence and not transferred. [Amended House Bill No. 155, effective date October 2, 1953, OHIO REV. CODE § 4503.181 (enacted).]

HORSE MEAT ACT — amended.

No person shall sell for human consumption the tongue, dia-

phragm, heart, esophagus, lips, ears, or glands of a horse, nor shall these parts of a horse be included in a horse meat food product intended for human consumption. Possession by any person of any horse carcass, dressed horse meat, or any horse meat food product constitutes prima facie evidence that such commodity is for sale, provided that it is not for his personal consumption.

No proprietor of a market shall place horse meat or a horse meat food product, which is intended as a pet or animal food, in a refrigerator compartment with food for human consumption.

The amendment increases the penalty for violation of the horse meat act and in addition provides that 50% of the fines collected shall be paid into the general revenue fund of the political subdivision in which they were assessed.

The rules and regulations promulgated by the Director of Agriculture shall be subject to the provisions of the Administrative Procedure Act. [Amended House Bill No. 281, effective date October 2, 1953, OHIO REV. CODE §§ 919.01, 919.02, 919.04, 919.06, 919.07, 919.08, 919.09, 919.11, 919.13, 919.14, 919.15, 919.16, 919.17, 919.19, and 919.99 (amended) and 919.20 (enacted).]

HORSE-RACING — additional tax for benefit of the political subdivision.

An additional tax of one tenth of one per cent of the total amount wagered during any horse-racing meeting is levied by this act for the benefit of the political subdivision in which the horse-racing meeting occurred. The amount collected from any one permit holder shall not exceed ten thousand dollars in any calendar year. [Amended House Bill No. 566, effective date July 21, 1953, OHIO REV. CODE § 3769.081 (enacted).]

HORSE RACING — increased tax on pari-mutuel wagering.

A permit holder who conducts the thoroughbred or running type of horse race may retain as commission not to exceed twelve and three-fourths per cent of the total of all moneys wagered. A permit holder who conducts the harness type of horse race may retain as commission not to exceed fourteen per cent of the total of all moneys wagered.

At the close of each racing day the permit holder shall pay to the state tax commissioner, out of the amount the permit holder retained as commission, as a tax: two per cent of the first ten thousand dollars wagered, or any part thereof; three per cent of the next forty thousand; four per cent of the next fifty thousand; five per cent of the next three hundred thousand; and six per cent of

all sums over four hundred thousand. Fifty per cent of the breakage in excess of two thousand dollars shall be paid to the tax commissioner.

The tax commissioner in addition to the state racing commission shall have power to enforce and administer the taxing provisions of the racing act. [Amended Substitute House Bill No. 44, effective date May 13, 1953, OHIO GEN. CODE §§ 1079-5, 1079-8, and 1079-10, OHIO REV. CODE §§ 3769.05, 3769.08, and 3769.10 (amended).]

HOSPITAL SERVICE ASSOCIATION — rate revisions must be submitted to superintendent of insurance.

If a hospital service association desires to amend any contract for hospital service or desires to change any rate charged therefor, a copy of the amendment or rate change shall be filed with the superintendent of insurance and shall not be effective until ninety days after such filing. The superintendent may reject such changes if he finds that they are not lawful, fair, or reasonable. The superintendent is given authority to conduct public hearings. [Amended Senate Bill No. 292, effective date October 16, 1953, OHIO REV. CODE §§ 1739.05 and 1739.13 (amended).]

HOSPITALS — minimum standards for voluntary and governmental hospitals.

To comply with the Social Security Act the Department of Health is designated as the state authority responsible for establishing and maintaining minimum standards for voluntary and governmental hospitals. The Department is given authority to adopt rules and regulations to establish and maintain such minimum standards. The act does not apply to institutions licensed or approved by existing statutes. [Amended Substitute House Bill No. 665, effective date August 12, 1953, OHIO GEN. CODE §§ 1237-1, 1237-2, and 1237-3 (enacted) and Amended Substitute House Bill No. 666, effective date October 1, 1953, OHIO REV. CODE §§ 3701.71 3701.72, and 3701.73 (enacted).]

HOUSING — temporary emergency housing for veterans is extended.

The board of county commissioners authorized by Revised Code Sections 3735.58 and 3735.59 to provide housing for veterans, expiring on December 31, 1953, is extended to December 31, 1955. [Amended House Bill No. 167, effective date October 2, 1953, OHIO REV. CODE § 3735.60 (amended).]

HOUSING PROJECTS — maximum family income limit raised.

No tenant family shall be accepted as tenant of a dwelling unit of a public housing project if the combined net annual income of the members exceeds twenty-four hundred dollars. Prior to the amendment two thousand dollars was the maximum. Certain income specified in the act is not computed in the net annual income. [Amended House Bill No. 387, effective date October 21, 1953, OHIO REV. CODE § 3735.43 (amended).]

ILLEGITIMATE CHILDREN — deemed legitimate when.

This amendment provides that the natural father of a child by an unmarried woman may file an application in the probate court of the county in which the child resides, acknowledging that the child is his, and upon consent of the mother, or if she be deceased or incompetent, or has surrendered custody, upon the consent of the person or agency having custody of the child, or of a court having jurisdiction over the custody, the probate court, if satisfied that the applicant is the natural father and that establishment of such relationship is for the best interest of the child shall enter the finding of such fact upon its journal and thereafter such child shall be the child of the applicant as though born to him in lawful wedlock. [Amended Substitute House Bill No. 164, effective date October 14, 1953, OHIO REV. CODE § 2105.18 (amended).]

INDIAN CORN — elimination of the standard weight.

Indian corn (in the ear) is made exempt from the standard weight of a bushel as provided by Section 1327.17 of the Revised Code, while soy beans are brought within the classification. [Amended House Bill No. 529, effective date October 16, 1953, OHIO REV. CODE § 1327.17 (amended).]

INSTITUTIONS, ASSOCIATIONS — definition as used in the division of social administration.

This act extends the definition of institution or association, as used in connection with the Division of Social Administration, to include day-care centers and any agency which cares for children for periods of four or more hours a day for two or more consecutive weeks. However, it excludes them from the definition if they are approved or certified by the Department of Education, a local board of education, or the Division of Mental Hygiene. Individuals who provide care for only a single family group placed there by the person having custody are also excluded from the definition.

[Amended Senate Bill No. 168, effective date October 21, 1953, OHIO REV. CODE § 5103.02 (amended).]

INSURANCE — change in licensing and regulation of certain agents.

The provisions of Sections 3905.01 to 3905.05 of the Revised Code relating to the appointment, licensing, qualification, and regulation of insurance agents, brokers, and solicitors shall apply to all persons authorized to solicit powers of attorney or applications for contracts of indemnity for any reciprocal exchange, inter-insurance exchange, or attorney in fact, except non-resident traveling full time salaried non-commission employees domiciled outside the state, who shall be regulated by Section 3931.11 of the Revised Code. [Amended Substitute House Bill No. 702, effective date July 1, 1954, OHIO REV. CODE § 3931.11 (amended) and § 3931.101 (enacted).]

INSURANCE — standard provisions for sickness and accident.

This act provides for and specifies standard provisions to be included in every sickness and accident insurance policy delivered, issued for delivery, or used in this state. Any provisions required by this law but inapplicable or inconsistent with the coverage provided may be modified upon approval of the Superintendent of Insurance. [Amended Senate Bill No. 268, effective date October 14, 1953, OHIO REV. CODE §§ 3923.04, 3923.05, 3923.06, 3923.07, and 3923.071 (enacted) and §§ 3923.04, 3923.05, 3923.06, and 3923.07 (repealed).]

INSURANCE COMPANIES — investment of funds.

This act revamps the insurance company investment laws providing many new outlets in which domestic life insurance companies may invest their capital, surplus, and accumulations. [Amended Senate Bill No. 229, effective date October 13, 1953, OHIO REV. CODE § 3907.14 (amended) and §§ 3907.15 and 3907.16 (repealed).]

INTERROGATORIES — written for cross-examination of party.

This act broadens Section 2317.07 (11497) of the Revised Code to allow the use of written interrogatories in the examination, as if under cross-examination, of a party by an adverse party. The written interrogatory device is now available in Ohio through two different statutes; the other being the general interrogatory statute [Section 2309.43 (11348) to 2309.45 (11350), inclusive], in effect since 1857. While the new provision in a sense supplements the older one there are several noteworthy differences between the two.

Under Section 2317.07 interrogatories are to be filed in the action, but do not have to be annexed to pleadings as required by the general statute. Thus, in a situation where the cross-examination statute is applicable and pleadings have been filed without interrogatories the necessity of obtaining leave to amend the pleadings is no longer present. The benefit is not an unqualified one, though, for the two sections do not contain identical statements of permissible subject matter. Unlike the general statute, which requires that interrogatories be "pertinent to the issue raised by the pleadings," the new section calls for pertinency to the previous pleadings of only one party, apparently the party being examined. The point is made somewhat ambiguous as the first sentence mentions each party in the opening phrases and then, in a later phrase, refers to the "previous pleadings of *such* party." Grammatically, the "such" should refer to the party being examined and, logically, it seems more appropriate to attempt cross-examination of the adverse party as to his pleadings than to one's own.

The subject matter limitation mentioned above is new to the section and, while again the point is not made completely clear grammatically, it seems applicable only to the examination by written interrogatory and not to the examination orally or by deposition. The section originally consisted only of these latter two methods of examination and there is no indication that they are to be restricted more now than formerly. The three techniques may be used singly or in any combination desired.

No more than one set of the new interrogatories may be propounded to any one witness without leave of court but there is no limit placed on the number of interrogatories in a set. Unless demurred to or otherwise ordered by court, each interrogatory must be answered in writing, under oath, within thirty days. The provision concerning examination of corporate officers remains unchanged. The final sentence of the section, providing for rebuttal by the examining party, now reads that such rebuttal is to be by "evidence" rather than by "counter testimony" as before.

A possible question to be settled is the application of the old equity restrictions on the use of interrogatories to the new statute. These restrictions, that there can be no inquiry into matters relating exclusively to the case of the adverse party nor into matters necessarily not within the personal knowledge of such party, among others, were engrafted onto the general interrogatory statute in several early decisions when it was deemed a literal replacement of the old equity bill of discovery. *Russell v. Railway*, 6 O. N. P. (N. S.) 353, 17 Ohio Dec. (N. P.) 435 (1907); *Chapman v. Lee*, 45 Ohio St. 356, 13 N. E. 736 (1887) (dicta). This view has not yet been completely abandoned, in spite of subsequent judicial disap-

proval. Recent opinions clearly demonstrate the fallacy of such a viewpoint, *Dieckbrader v. New York Central R. R.*, 113 N. E. 2d 268 (1953); *Powers v. Ruelbach*, 108 N. E. 2d 876 (1952), and there would seem to be even less basis for applying such restrictions to a cross-examination statute.

The new section avails Ohio attorneys of a quite useful discovery device although it does not approach the more liberal provisions of the Federal discovery procedure. In contrast to RULE 26, FEDERAL RULES OF CIVIL PROCEDURE, which permits examination of any person on any matter, not privileged, relevant to the subject matter of the action, the Ohio statute restricts the examination to a party and to matters pertinent to the previous pleadings of the party. Also, the Federal rule is designed to permit so-called "fishing expeditions" ("written interrogatories for the purpose of discovery or for use as evidence or for both purposes") while the Ohio act is silent on the point except that the examination is to be "as if under cross-examination."

The work of the code revisers in a sense has been undone in the new section for it contains, in its unamended parts, the wording of the old General Code section. Several phrases, not of a substantive nature, but considered superfluous and bulky, had been pruned out of the section as it appeared in the original version of the Revised Code but have now been restored in the amended section.

[Amended Senate Bill No. 55, effective date October 2, 1953, OHIO REV. CODE § 2317.07 (amended).]

INTERSTATE COMMERCE COMMISSION — certain documents made competent evidence.

Printed copies of schedules and classifications and tariffs of rates, fares, and charges filed with the Interstate Commerce Commission, which show an Interstate Commerce Commission Number, may be received in evidence without certification, and shall be presumed to be correct copies of the originals on file with the Interstate Commerce Commission. [Amended Substitute House Bill No. 519, effective date October 2, 1953, OHIO REV. CODE § 2317.10 (amended).]

JOINT TOWNSHIP HOSPITAL DISTRICT — part of township lying within municipal corporation excluded.

This act provides that in the case of a township which lies partly within and partly outside of a municipal corporation, the part lying outside may participate in the formation of a joint township

hospital district, excluding the portion of the township lying within the municipal corporation. This act thus changes the law of *State, ex rel Schram, v. Ayres*, 158 Ohio St. 30 (1951), which stated that in the formation of such a hospital district, such action may not be taken by or on behalf of part of a township. [Amended Senate Bill No. 131, effective date October 2, 1953, OHIO REV. CODE § 513.07 (amended).]

JUDGES — Montgomery county domestic relations, powers defined.
See Montgomery county, this index.

JUVENILE COURT — cost of education of child placed by court.

This act provides that a juvenile court when placing a delinquent, neglected, or dependent child pursuant to Section 2151.35 of the Revised Code, shall, at the time of placing the child, determine which school district must bear the cost of educating the child. [Amended Senate Bill No. 132, effective date October 13, 1953, OHIO REV. CODE § 2151.35 (amended).]

LAKE ERIE TRAPPING DISTRICT — removal of Huron county from.

The waters of Lake Erie and the waters, lands, and marshes included in Lucas, Ottawa, Sandusky, Erie, Lorain, Cuyahoga, Lake, and Ashtabula counties constitute the "Lake Erie trapping district." This amendment removes Huron county from the district. [Amended House Bill No. 54, effective date October 2, 1953, OHIO REV. CODE § 1533.02 (amended).]

LAKES — lands adjacent thereto may be leased.

State lands in or adjacent to Buckeye Lake, Indian Lake, Lake St. Marys, Guilford Lake, Lake Loramie, or the Portage Lakes may be leased. The leases shall be for a term of not less than 15 years with an annual rental of six percent of the appraised value of the land. [Amended Substitute House Bill No. 618, effective date November 7, 1953, OHIO REV. CODE § 1541.08 (amended).]

LEASES — recording of cancellation, partial release, or assignment of.

Cancellation, partial release, or assignment of leases shall be recorded in the record of leases. They formerly were recorded in the book provided for the satisfaction of mortgages. [Amended House Bill No. 69, effective date October 2, 1953, OHIO REV. CODE § 5301.33 (amended).]

LEGAL ADVERTISING — rates increased for.

See Rates, this index.

LEGISLATIVE SERVICE COMMISSION — creation of.

The Ohio Legislative Service Commission is created and the Ohio Program Commission, Bureau of Code Revision, and Legislative Research Commission are abolished. [Amended Senate Bill No. 76, effective date September 16, 1953, OHIO REV. CODE § 103.14 (amended) and §§ 103.11, 103.12, 103.13, 103.15, 103.16, 103.17, 103.18, 103.19, 103.20, 103.21, 103.22, and 103.23 (enacted) and §§ 103.11, 103.12, 103.13, 103.14, 103.15, 103.16, 103.17, 103.21, 103.22, 103.23, 103.24, 103.25, 105.01, 105.02, and 111.09 (repealed). See comment on this act, Part 1, page 393, *supra*.]

LICENSE FEES FOR CIGARETTES

See Cigarette license, this index.

LIQUOR — minors prohibited from purchasing.

No minor under the age of twenty-one shall purchase intoxicating liquor, nor shall a minor under the age of eighteen purchase beer. Formerly minors were only prohibited from giving false information concerning his age for the purpose of purchasing beer or intoxicating liquor.

A penalty of not less than twenty-five nor more than one hundred dollars is provided for violators. [Amended House Bill No. 411, effective date October 2, 1953, OHIO REV. CODE §§ 4301.63 and 4301.99 (amended).]

LIQUOR PERMITS — increases amount of beer D-1 and D-2 holders may sell.

Holders of D-1 and D-2 permits may sell beer in total quantities at each sale of not more than two-hundred eighty eight fluid ounces and not for consumption on the premises where sold. Holders of a D-2 permit may sell ale, stout, and other malt liquors in total quantities at each sale of not more than two hundred eighty-eight fluid ounces. Formerly one hundred forty-four ounces was the maximum. [Amended House Bill No. 534, effective date October 2, 1953, OHIO REV. CODE §§ 4303.13 and 4303.14 (amended).]

LIQUOR PERMITS — renewal provisions.

The holder of a liquor permit who files an application for re-

newal of the same class of permit for the same premises shall be entitled to the renewal unless the department rejects for good cause the application, subject to the right of the applicant to appeal the rejection to the Board of Liquor Control.

The application shall be filed at least 15 days prior to the expiration of the existing permit and the existing permit shall continue in effect until such application is approved or rejected by the department. The holder of a permit which has expired through failure to be renewed may obtain a renewal of the permit, upon filing an application for renewal at any time within 30 days from the date of the expired permit and the payment of a penalty of 10% of the permit fee. [Amended House Bill No. 733, effective date October 2, 1953, OHIO REV. CODE § 4303.271, enacted).]

LIVESTOCK AND POULTRY — financing the inspection and analysis of.

"The livestock remedies inspection and laboratory fund" established September 7, 1951, as a temporary fund in which all fines and costs collected under Sections 923.21 to 923.34, inclusive, of the Revised Code shall be deposited is made a permanent rotary fund. [House Bill No. 218, effective date October 2, 1953, OHIO REV. CODE § 923.33 (amended).]

LOCAL GOVERNMENT FUND — allocation of sales tax receipts.

The act increases to \$20,000,000 the allocation of the sales tax receipts to local governments for the fiscal years 1953-1954 and 1954-1955. [Amended House Bill No. 312, effective date July 20, 1953, OHIO GEN. CODE §§ 5546-18 and 5546-20 (amended) and Amended House Bill No. 313, effective date October 1, 1953, OHIO REV. CODE §§ 5739.21, 5739.22, and 5739.23 (amended).]

Medical Examination — requirements for admission.

This act provides that a person holding a diploma approved by the State Medical Board which does not confer on him the full right to practice all branches of medicine or surgery in a foreign country may in the discretion of the Board be admitted to the medical examination upon completion of a course of training approved by the Board consisting of not less than twelve months of residency or internship in a hospital in the United States. [Amended House Bill No. 781, effective date October 26, 1953, OHIO REV. CODE § 4731.09 (amended).]

MENTAL HYGIENE AND CORRECTION, DEPARTMENT OF — created.

This act creates a State Department of Mental Hygiene and

Correction which assumes all the functions of the present public welfare department except the public assistance program and certain miscellaneous social services. [Amended Senate Bill No. 155, effective date July 1, 1954, OHIO REV. CODE §§ 121.02, 121.03, 123.01, 141.03, 151.04, 331.02, 331.06, 501.08, 501.09, 903.06, 2947.24, 2947.25, 2947.27, 2947.28, 2949.25, 2951.05, 2951.06, 2951.08, 2965.01, 2965.04, 2965.07, 2965.08, 2965.32, 3113.12, 3301.05, 5101.05 5101.06, 5101.07, 5101.09, 5101.13, 5101.33, 5101.40, 5101.45, 5101.56, 5103.18, 5121.03, to 5121.10, inclusive, 5121.15, 5121.17, 5123.02, 5123.03, 5123.06, 5123.07, 5123.09, 5123.11, 5123.12, 5123.13, 5123.23, 5123.27, 5123.28, 5123.29, 5123.41, 5123.47, 5123.50, 5123.52, 5123.54, to 5123.58, inclusive, 5123.60, 5123.61, 5125.01, to 5125.05, inclusive, 5125.07, 5125.09, 5125.10, 5125.15, 5125.22, 5125.23, 5125.25, 5125.26, 5125.30, 5125.32, 5125.39, 5125.40, 5127.01, 5127.04, 5127.05, 5141.01, 5141.02, 5141.03, 5141.06, to 5141.11, inclusive, 5141.32, to 5141.40, inclusive, 5143.01, 5143.02, 5143.06, 5143.08 to 5143.12, inclusive, 5143.14, 5143.22, 5143.24, 5143.25, 5145.03 to 5145.08, inclusive, 5145.12 to 5145.18, inclusive, 5145.22, 5145.28, 5145.29, 5145.30, 5147.01, 5147.03, 5147.05, 5147.07 to 5147.11, inclusive, 5147.27, 5149.01, 5511.03, and 5905.02 (amended, §§ 5119.091, 5119.01 to 5119.57, inclusive, and 5119.99 (enacted). and §§ 5101.01, 5101.04, 5101.10, 5101.11, 5101.14 to 5101.32, inclusive, 5101.34, 5101.35, 5101.36, 5101.42, 5101.43, 5101.46 to 5101.55, inclusive, and 5101.99 (repealed).]

MINOR — purchase of liquor or beer.

See Liquor, this index.

MINORS — over sixteen may be employed in bowling alleys until eleven o'clock P.M.

This act permits employment of boys over sixteen as pin-setters in bowling centers until eleven o'clock P. M. [Amended House Bill No. 546, effective date October 30, OHIO REV. CODE § 4109.22 (amended).]

MONTGOMERY COUNTY — powers of domestic relations judges.

The domestic relations judge of Montgomery county who is junior in point of service has charge of the employment and supervision of the personnel of the domestic relations division engaged in handling, servicing, or investigating divorce and alimony cases including any necessary referees. The senior domestic relations judge of Montgomery county is charged with the assignment and division of the work of the domestic relations division and the em-

ployment and supervision of all other personnel not appointed by the junior Judge. [Amended Senate Bill No. 209, effective date November 7, 1953, OHIO REV. CODE § 2301.03 (amended).]

MOTION PICTURE — license fees to be used for educational purposes.

All moneys received from the motion picture license fees in excess of the amount needed to pay operating expenses of the division of film censorship shall be used by the superintendent of public instruction for visual educational purposes. Formerly only fifty per cent of the money was so used. [Amended House Bill No. 638, effective date October 14, 1953, OHIO REV. CODE § 3305.03 (amended).]

MOTOR VEHICLE SAFETY RESPONSIBILITY ACT — state and federal vehicles exempt.

The requirements as to security and suspension of the financial responsibility law do not apply to the owner of a motor vehicle where such owner is the United States, this state, any political subdivision of this state, any municipal corporation therein, or any private volunteer fire company serving a political subdivision of this state. However, an accident report must still be forwarded to the registrar of motor vehicles. Such accident report required by Section 4509.06 of the Revised Code does not apply to any vehicle owned and operated by any publicly owned urban transportation system.

Whenever the Registrar of Motor Vehicles receives notice from a court of record that a person has been convicted of or pleads guilty to any of the crimes listed in Section 4507.16 of the Revised Code, the Registrar shall suspend the license of such person. [Amended House Bill No. 777, effective date October 15, 1953, OHIO REVISED CODE § 4509.19, 4509.31, and 4509.71 (amended).]

MOTOR VEHICLES — directional signals required.

No person shall sell any new motor vehicle nor shall any new motor vehicle be registered, and no person shall operate any motor vehicle, which is registered in this state and which has been manufactured or assembled on or after January 1, 1954, unless such vehicle is equipped with electrical or mechanical directional signals. Violators shall be fined not less than ten nor more than fifty dollars. [Amended House Bill No. 686, effective date October 19, 1953, OHIO REV. CODE § 4513.261 (enacted) and § 4513.99 (amended).]

MOTOR VEHICLES — display of license tags.

The amendment provides that manufacturers, dealers, and in-transit companies shall be issued one license plate only, while other motor vehicles will be issued two license plates. [Amended House Bill No. 214, effective date October 2, 1953, OHIO REV. CODE § 4503.19, 4503.21, 4503.27, 4503.31, and 4503.33 (amended).]

MOTOR VEHICLES, HISTORICAL — license fees.

See Historical Motor Vehicles, this index.

MOTOR VEHICLES — motorist must be warned of speedtraps.

The act requires the posting of signs not less than 750 feet nor more than 1000 feet in advance of radar or any mechanical or electrical timing device for the determination of the speed of a motor vehicle. If such signs are not posted, the arresting officer is incompetent to testify as a witness in any prosecution of the arrested person based upon readings obtained from the radar, mechanical, or electrical timing device. [Amended Substitute House Bill No. 426, effective date October 16, 1953, OHIO REV. CODE § 4511.091 (enacted).]

MOTOR VEHICLES — must be equipped with signal lights, when.

This act requires turn signal lights or a mechanical signal device to be used on all motor vehicles when the distance from the center of the top of the steering post to the left outside limit of the body, cab, or load exceeds twenty-four inches, or when the distance from the center of the top of the steering post to the rear limit of the body or load thereof exceeds fourteen feet. [Amended Senate Bill No. 288, effective date October 19, 1953, OHIO REV. CODE § 4511.39 (amended).]

MOTOR VEHICLES — need not stop for school buses on divided highways.

Where a highway has been divided into two roadways, a driver of a vehicle need not stop when approaching a school bus which has stopped on the other roadway of said highway. [Amended Substitute Senate Bill No. 15, effective date October 2, 1953, OHIO REV. CODE § 4511.75 (amended).]

MOTOR VEHICLES — ownership may be shown by stipulation of the parties or by admission in the pleadings.

No court in any case at law or in equity shall recognize the

right, title, claim, or interest of any person in or to any motor vehicle sold or disposed of, mortgaged or encumbered unless evidence by a certificate of title or a manufacturer's or importer's certificate. This amendment allows the ownership to be shown by stipulation of the parties or by admission in the pleadings in addition to the certificate of title or a manufacturer's or importer's certificate. [Amended House Bill No. 280, effective date October 2, 1953, OHIO REV. CODE § 4505.04 (amended).]

MOTOR VEHICLES — penalty for driving while intoxicated.

Any person who operates a vehicle, streetcar, or trackless trolley while under the influence of intoxicating liquor, narcotic drugs, or opiates shall be fined not more than five hundred dollars and imprisoned for not less than three days nor more than six months and no court shall suspend the first three days of any such sentence. [Amended Senate Bill No. 32, effective date October 21, 1953, OHIO REV. CODE § 4511.19 and 4511.99 (amended) and § 4507.37 (repealed).]

MOTOR VEHICLES — reallocation of automobile registration revenues and the gasoline excise tax receipts.

The act reallocates 23% of the total taxes collected from the registration of motor vehicles which formerly was paid into the state treasury to the credit of the state maintenance and repaid fund to the various local governments. Municipalities and counties each receive an additional 9% and townships 5% of the total taxes collected.

Forty five percent of the states share of the gasoline revenue receipts must be used in the counties in proportion to the number of motor vehicles registered in each of the counties. This act abolishes the limitation. [Amended Substitute House Bill No. 734, effective date November 7, 1953, OHIO REV. CODE § 4501.04 and 5735.27 (amended).]

MOTOR VEHICLES — regulation of trucks, trailers, and other commercial vehicles.

The act makes permanent Amended Substitute House Bill No. 267, effective June 19, 1951, (124 OHIO L. 840) which provided for greater regulations on trucks and increased the license fees. The penalty provision for violation of Section 7250-3 of the General Code is increased from twenty-five to fifty dollars. [Amended Sub-

stitute House Bill No. 24, effective date June 30, 1953, OHIO GEN. CODE § 6309-2 and 7250-3 (amended).]

MOTOR VEHICLES — surrender of revoked or suspended drivers' licenses to the registrar of motor vehicles.

After an operator's or chauffeur's license has been suspended or revoked, the trial court shall cause the offender to deliver to the court his license, and the court shall forthwith forward to the Registrar the license together with notice of the action of the court. Formerly the court retained possession of the license during a period of suspension.

A person whose license is suspended or revoked may not apply for a new license during the effective dates of the suspension or revocation. [Amended House Bill No. 479, effective date October 15, 1953, OHIO REV. CODE § 4507.16 and 4507.17 (amended).]

MUNICIPAL CORPORATION — board of park trustees to be appointed by the mayor.

The board of park trustees of a Municipal Corporation shall be appointed by the mayor. Formerly the appointment was made by the board of trustees of the sinking fund. [Amended House Bill No. 171, effective date October 2, 1953, OHIO REV. CODE § 755.21 (amended).]

MUNICIPAL CORPORATIONS — construction and maintenance of sewage disposal works and treatment plants.

Any municipal corporation may open, construct, and keep in repair, sewage disposal works, sewers, drains, and ditches, and establish, repair, and regulate water closets and privies. This act adds treatment plants and sewage pumping stations, together with necessary and proper facilities and appurtenances to the list. The municipal corporation shall have power to levy and collect special assessments upon the abutting, adjacent, and contiguous or other specially benefited lots or lands. [Amended House Bill No. 110, effective date October 2, 1953, OHIO REV. CODE § 701.01, 715.40, 727.01, 729.31, 729.32, and 729.39 (amended).]

MUNICIPAL CORPORATIONS — limit of net indebtedness increased for chartered cities.

In charter cities where the charter provides for the levying of taxes outside the ten mill limitation without a vote of the electors,

the net indebtedness created or incurred by such city without a vote of the electors shall not exceed two per cent of the total value of all property in such city as listed and assessed for taxation. The former law provided for a limit of one per cent for all municipal corporations. [Amended Senate Bill No. 224, effective date October 21, 1953, OHIO REV. CODE § 133.03 (amended).]

MUNICIPAL COURT JUDGES — increased compensation.

The legislative authority of a municipal corporation may prescribe compensation for a municipal judge up to three thousand dollars in addition to the compensation required by Section 1901.11 of the Revised Code. The former law provided for such additional compensation not to exceed one thousand dollars. This amendment also increases the salary ceiling of municipal court judges from ten thousand five hundred dollars to twelve thousand dollars. [Amended Senate Bill No. 20, effective date October 2, 1953, OHIO REV. CODE § 1901.11 (amended).]

MUNICIPAL COURT JUDGES — nomination and declaration of candidacy.

In a municipality operating under a city charter the declaration of candidacy for municipal judges shall be filed within the time specified for the filing of the declaration of candidacy by the other municipal officers provided for by the charter.

This act specifically makes an exception in the Cincinnati and Cleveland municipal courts, wherein the judges shall be nominated only by petition and not by a primary election as formerly. [Amended Substitute House Bill No. 4, effective date January 29, 1953, OHIO GEN. CODE § 1587 (amended).]

MUNICIPAL COURTS — establishment of.

These acts establish municipal courts in Athens, Circleville, Cuyahoga Falls, Delaware, Kenton, Port Clinton, Ravenna, Sidney, and Tiffin. The jurisdiction of the courts and the procedure for the election of the judges is set forth. [Amended Substitute House Bill No. 223, effective date July 22, 1953, OHIO GEN. CODE §§ 1581, 1582, 1587, 1588, and 1589 (amended) and Amended Substitute House Bill No. 96, effective date October 1, 1953, OHIO REV. CODE § 1901.01, 1901.02, 1901.03, 1901.07, 1901.08, 1901.09, 1901.31, 1901.34, and 1901.38 (amended).]

MUNICIPAL HOSPITALS — leasing to non-profit corporations.

The council of a municipal corporation may lease for use as a

general hospital, the lands, building, and equipment of any general hospital owned by the municipal corporation to a nonsectarian Ohio corporation, organized for charitable purposes and not for profit.

The agreement shall provide for a term of not more than ten years and shall be subject to renewal. In the event the non-profit corporation fails to faithfully and efficiently administer the hospital as a public general hospital, admitting patients without regard to race, creed, or color, the control and management shall revert to and become the property of the municipal corporation to be operated as provided by law. [Amended Substitute House Bill No. 130, effective date October 2, 1953, OHIO REV. CODE § 749.35 (enacted).]

MUNICIPAL UNIVERSITIES — counties by agreement may participate in the maintenance and operation.

The board of county commissioners of any county in which a municipal university is situated may enter into an agreement with the board of directors of the municipal university for participation by the county in the development, maintenance, and operation of the municipal university.

Provision is made for the levying of a tax which may be found necessary to meet the obligations assumed by the board of county commissioners. The purpose of this act is to afford all residents of the county the educational advantages of the municipal university at the same rate of tuition, fees, and other charges as are provided for residents of the municipal corporation. [Amended Substitute House Bill No. 721, effective date October 13, 1953, OHIO REV. CODE §§ 3349.23, 3349.24, 3349.25, and 3349.26 (enacted).]

MUNICIPAL UNIVERSITIES — residence requirement of the board of directors.

Before this amendment the members of the board of directors of a municipal university were required to be residents of that municipal corporation. Now residence in the county wherein the municipal university is located is sufficient. [Amended House Bill No. 60, effective date October 2, 1953, OHIO REV. CODE § 3349.01 (amended).]

MUNICIPAL UTILITIES — emergency contracts without advertisement.

In the event an emergency arises in connection with the opera-

tion of any municipally owned electric light, gas, water, or sewage treatment and disposal utility, the legislative authority of the municipality may by a two-thirds vote of all the members, authorize a contract for work to be done or for the purchase of supplies or materials without advertising. [Amended House Bill No. 512, effective date October 23, 1953, OHIO REV. CODE § 735.051 (enacted).]

NAMES, MARKS, OR DEVICES — may be used to indicate ownership.

A name, mark, or device may be used by a person to indicate ownership of articles or supplies. A copy of such name, article, or device may be filed with the Secretary of State, who shall issue a certificate to that person acknowledging that such is his official name, mark, or device to identify ownership of his articles or supplies. A penalty is provided for misuse by others of such articles bearing the name, mark, or device of the owner. [Amended Senate Bill No. 262, effective date October 1, 1954, OHIO REV. CODE § 1329.99 (amended), §§ 1329.41 to 1329.53, inclusive, (enacted) and §§ 1329.04 to 1329.12, inclusive, and 1329.22 to 1329.25, inclusive, (repealed).]

NARCOTICS — attorney general to make a study of.

See Attorney general, this index.

NATURAL RESOURCES — new fund created.

All money received from the sale of books, bulletins, maps, or other publications of the Division of Geological Survey shall be deposited in the state treasury to the credit of the geological survey reprint and replacement fund, which fund is created by this Act. In addition there shall be an Assistant Director of the Department of Natural Resources who shall exercise such powers and perform such duties as the Director of Natural Resources orders. [Amended Senate Bill No. 316, effective date October 26, 1953, OHIO REV. CODE §§ 1505.05 and 1541.22 (amended) and § 1501.051 (enacted).]

NEWSREELS — exempt from film censorship.

Motion picture newsreels are made exempt from film censorship. [Amended Senate Bill No. 304, effective date October 13, 1953, OHIO REV. CODE § 3305.01 (amended).]

NOMINATING PETITIONS — date of filing for the office of member of a board of education.

This act provides that if no nominating petition for the office of member of a board of education has been filed by the regular time prescribed for filing nominating petitions, or if a candidate for such office withdraws or dies, nominating petitions for such office may be filed not later than 4 p. m. of the ninetieth day immediately preceding the general election day. The former law required that such petitions be filed not later than 6:30 p. m. of the ninetieth day before the first Tuesday after the first Monday in May immediately preceding the general election, as in the case of other nominating petitions. [Amended Senate Bill No. 1, effective date May 28, 1953, OHIO GEN. CODE § 4785-92 (amended).]

OHIO NATIONAL GUARD — length of service requirement for general officers.

General officers of the National Guard must have served at least fifteen years in the National Guard or in the armed forces. This amendment provides that the length of service requirement shall not apply to general officers of the Air National Guard until 1962. [Amended House Bill No. 199, effective date October 2, 1953, OHIO REV. CODE § 5919.02 (amended).]

OHIO NAVAL MILITIA — preserving authority to organize and activate.

This act authorizes not more than three battalions or ship companies as a part of the organized militia of the state. The uniforms of the Ohio Naval Militia shall be suitable, but not in violation of the laws of the United States or contrary to regulations of the Department of the Navy. Formerly the uniforms were the same as prescribed by the Department of Defense. [Amended House Bill No. 166, effective date October 2, 1953, OHIO REV. CODE §§ 5921.01, 5921.03, 5921.05, 5921.06, 5921.07, 5921.08, and 5921.09 (amended), and §§ 5921.10, 5921.11, and 5921.12 (repealed).]

OHIO TUBERCULOSIS HOSPITAL — care of certain patients.

The county of residence of a patient in the Ohio tuberculosis hospital shall no longer be billed when such patient is found not to have tuberculosis. Such a non-tuberculous patient may continue to receive hospital care for a reasonable time but shall not receive such care for indefinite and prolonged periods of time for the treatment of chronic or incurable non-tuberculous diseases. [Amended Senate Bill No. 41, effective date October 21, 1953, OHIO REV. CODE § 3701.65 (enacted).]

ORGANIZED MILITIA — correcting inequities in the pay of enlisted men when on active duty in the service of the state.

When called upon by the state in aid of the civil authorities, or for service and attendance upon courts-martial, boards, courts of inquiry, commissions, or any other active duty in the service of the state, commissioned officers, warrant officers, and enlisted men of the organized militia shall receive the same pay and allowances for each day's service as is provided for like grade in the armed forces of the United States, together with the necessary transportation and subsistence. The act provides that no enlisted man shall receive less than six dollars per day as basic pay for each day's service performed. [Amended House Bill No. 137, effective date October 2, 1953, OHIO REV. CODE § 5923.12 (amended) and § 5923.11 (repealed).]

PENAL INSTITUTIONS — minimum credit for work performed by inmates.

The managing officer of the various penal institutions of the state shall place to the credit of each prisoner with dependents who are legal residents of Ohio eight and one-half cents per hour for each hour actually employed and prisoners without dependents or those prisoners sentenced for non-support shall be credited with earnings at the rate of four cents per hour. At least twenty-five percent of the credit shall be paid to the prisoner at the time of his release from confinement, the remainder may be paid over to his family. [Amended Substitute House Bill No. 202, effective date October 2, 1953, OHIO REV. CODE § 5143.11 and 5145.16 (amended).]

PERMITS — issuance of duplicate hunting, trapping, and fishing licenses and deer permits.

Any person who has been issued a hunting, trapping, or fishing license or a deer permit and if the license or permit has been lost, destroyed, or stolen may be issued a duplicate license or permit by the Division of Wildlife upon payment of a fee of twenty-five cents and an additional twenty-five cents to the issuing agent. A temporary license or permit given by the agent may be used until the duplicate license or permit is issued and delivered to him. [Amended Substitute House Bill No. 71, effective date October 2, 1953, OHIO REV. CODE §§ 1533.101 and 1533.321 (enacted).]

PLATS — procedure in vacation of.

The act prescribes the procedure to be followed when a political subdivision or an individual wishes to vacate any public way

from its original dedication. The plat showing the area to be vacated must be prepared and certified to by a licensed surveyor or engineer, and shall form a part of the petition for the vacation proceeding. The plats or maps shall be transferred by the county auditor and recorded in the office of the county recorder in the same manner as are plats originally transferred and recorded. [Amended House Bill No. 526, effective date October 16, 1953, OHIO REV. CODE § 711.39 (enacted).]

POLICE — relief and pension funds.

This act allows the revenue from the three tenths of a mill tax and the thirty-five one hundredths of a mill tax provided for in Section 741.40 of the Revised Code to be credited to the general fund of the municipal corporation if the assets of the police relief and pension fund as of December 31 of the next preceding year are in excess of an amount equal to the assets of said fund as of December 31, 1953, plus an amount equal to four thousand dollars multiplied by the number of members of the fund. The former law required that all revenues derived from such levies be credited only to the police relief and pension fund of the municipal corporation.

The act also makes changes in the base periods for the computation of police relief and pension funds. [Amended Senate Bill No. 44, effective date October 2, 1953, OHIO REV. CODE §§ 741.40 and 741.49 (amended) and §§ 741.481, 741.491, 741.492, and 741.493 (enacted).]

POLICEWOMAN — age restriction removed in transfers.

Section 143.31 of the Revised Code provides that no person shall be eligible to take an examination for and receive an original appointment to a police department as a policewoman on and after her thirty-first birthday. This act provides that a police matron may be transferred to the position of policewoman, regardless of age, and the transfer shall in no matter effect the status gained due to length of service in the previous position. [Amended House Bill No. 446, effective date October 2, 1953, OHIO REV. CODE § 143.31 (amended).]

POLITICAL SUBDIVISIONS — expenses incident to the issuance of bonds and notes.

The taxing authority of a political subdivision in the issuance and sale of bonds, notes, or other evidences of indebtedness may provide for the payment of the costs of advertising the notice of

sale, printing the bonds and notes, and obtaining legal opinions out of the proceeds of the principal received from the sale of the bonds, notes, or other evidences of indebtedness. [Amended House Bill No. 275, effective date October 2, 1953, OHIO REV. CODE § 133.361 (enacted).]

POOR RELIEF — legal settlement lost, when.

After a person has acquired legal settlement for the purposes of poor relief, such settlement shall continue until acquired in another county or until a person has been continuously absent from Ohio for a period of one year has acquired a legal residence in another state. Formerly a person could be absent from Ohio up to four years without losing legal settlement. [Amended Senate Bill No. 108, effective date October 16, 1953, OHIO REV. CODE § 5113.05 (amended).]

PRACTICE OF LAW — requirements to practice before state agencies.

House Bill 316 amends Section 4705.01 of the Revised Code, relative to the practice of law, to provide that admission to the bar, alone, entitles an attorney to "practice before any court or administrative tribunal without further qualification or license." The bill was occasioned by a recent Industrial Commission ruling requiring the filing of an application together with a statement of qualifications, with that body in order to practice before it. Ohio thus becomes one of the first jurisdictions to provide explicitly that attorneys shall not be required to obtain special admission to practice before boards, commissions, and other administrative agencies. This requirement has become quite common among Federal agencies, but has remained unregulated and often unmentioned elsewhere. See 5 U.S.C.A. §§ 261,493,31 U.S.C.A. § 52. Most state statutes or rules merely indicate that practice is permitted before any court in the state.

It should be noted that this section has no direct antecedent in the General Code. The code revisers combined the old sections 1698 (Who may practice) and 1706 (Who shall not practice) in a completely rewritten form to make the new section. [Amended House Bill No. 316, effective date October 2, 1953, OHIO REV. CODE § 4705.01 (amended).]

PROBATE CODE — omnibus bill.

This act makes many changes in the probate code relative to the administration of decedents' estates. [Amended Senate Bill No.

40, effective date October 16, 1953, OHIO REV. CODE §§ 2105.21, 2107.39, 2107.41, 2107.43, 2109.13, 2111.23, 2113.23, 2113.50, 2117.23, and 2129.10 (amended) and § 2107.181 (enacted). See comment on this act, Part 1, Page 368, *supra*.

PROBATE COURT — certain records may be destroyed after 32 years.

This act provides that the vouchers, proof, or other evidence filed in support of the expenditures or distribution stated in an account, which has been filed in the probate court, may be destroyed after a period of thirty-two years, upon order of the court. [Amended Senate Bill No. 166, effective date October 2, 1953, OHIO REV. CODE § 2101.14 (amended) and § 2101.141 (enacted).]

PROBATE JUDGE — one additional for Cuyahoga county.

An additional Judge for the Probate Court of Cuyahoga county with the same powers, duties, and jurisdiction as the other probate judges of the county is granted by this act. The Judge shall be elected at the general election to be held in 1954, and every six years thereafter, for a term of six years. [Amended House Bill No. 205, effective date October 2, 1953, OHIO REV. CODE § 2101.021 (enacted).]

PROBATE JUDGES — salary and qualifications.

This act provides that judges of the probate court elected or re-elected after October 2, 1953 shall receive an annual salary, payable from the state treasury, of four thousand dollars. They shall also receive from the county treasury an annual compensation equal to twelve cents per capita for the first twenty-five thousand of the population of the county and six cents per capita for the population of the county in excess of twenty-five thousand. The act also provides that in small counties where the probate court is combined with the court of common pleas, the common pleas judge shall receive, in addition to his regular compensation, an annual salary of three thousand dollars. The former law provided for two thousand dollars. A judge receiving this three thousand dollar additional salary is not entitled to the compensation in inheritance tax cases as provided in Section 325.05 of the Revised Code. In order to be eligible for election as probate judge a person must be admitted to practice as an attorney in Ohio for a period of at least six years immediately preceding his election. [Amended Senate Bill No. 42, effective date October 2, 1953, OHIO REV. CODE §§ 141.04, 141.05, 141.06, and 2101.02 (amended).]

PROBATION DEPARTMENTS — several counties may establish.

This act permits several counties to establish a joint probation department. The cost of the single department is to be prorated to the respective counties on the basis of population. Under the former law each county could establish a probation department within the county, but could not join with other counties for such a department as is now provided for. [Amended Senate Bill No. 192, effective date October 13, 1953, OHIO REV. CODE § 2301.27 (amended).]

PROCESS — service on nonresident employers.

This act provides that any nonresident person, firm, or corporation who shall engage in any activity or maintain any establishment in this state so as to be an employer shall by so doing appoint the Secretary of State his agent for the service of process in any proceeding before the Industrial Commission, or in any civil suit resulting therefrom. The proceedings or civil suit must arise out of or by reason of an injury or occupational disease occurring in this state and involving the employment in this state. OHIO REV. CODE 4123.751.

Sections 4123.752 to 4123.755 provide for details of the service; one important detail is that the officer serving the process upon the Secretary of State shall also send an attested copy of the process to the defendant by registered mail, and that the return receipt shall be a part of the return of service of the process.

Section 4123.756 provides that the death of the employer shall not terminate the agency. Service upon the Secretary of State shall be valid as to the executor or administrator.

It is a basic principle of constitutional law that a nonresident cannot be subjected to a judgment in personam by any form of service other than personal service within the state, unless he appears generally in the action. *Pennoyer v. Neff*, 95 U. S. 714 (1877). Certain exceptions, both because of statutes and by development of case law, have come to be recognized to this principle. Unless the injured employee could fit his case into one of these exceptions, he could not, prior to the enactment of the act under consideration, bring proceedings or suit against the nonresident employer in this state, unless he could obtain personal service upon him here; it would be necessary for him to sue in the state of residence of the employer, or wherever the employer might be found and personal service obtained from him.

The first exception to the basic principle stated above deals with service of process upon a corporation. Since a corporation exists only because of state action, no state is compelled to recognize its existence for intrastate purposes; a state may exclude a

foreign corporation from doing intrastate business within its borders, or it may set the terms upon which it may be permitted to do business within the state. *Pembina Mining Co. v. Pennsylvania*, 125 U. S. 181 (1887). Ohio law provides that a nonresident corporation wishing to do business within the state must register, and must appoint an agent for the service of process. OHIO REV. CODE § 1703.04. Hence, if the employer corporation had complied with the law, an injured workman could easily sue by serving such agent. If the employer corporation had not complied with the law, the injured workman could still sue if an agent of the corporation could be found in the state, even though such agent had not been authorized to accept service of process. *International Shoe Company v. State of Washington*, 326 U. S. 310 (1945). If no agent of the corporation could be found in the state, the law does not appear to be too clear; it would seem that service could not be had in Ohio. *Perkins v. Benquet Consolidated Mining Co.*, 155 Ohio St. 116, 98 N. E. 2d 83 (1952); *Pennoyer v. Neff*, *supra*. However, certain language in the case of *International Shoe Company v. State of Washington*, *supra*, seems to indicate that service out of the state might be valid. The court said that it was only necessary that the defendant have certain minimum contacts with the state such that the maintenance of the suit does not offend traditional notions of fair play and substantial justice. The court then cited *Milliken v. Meyer*, 311 U. S. 457 (1940). In the latter case the defendant, an individual, was served out of the state; but he was domiciled in the state. In *International Shoe Company v. State of Washington* the defendant corporation was actually served in the state, service being upon an agent of the corporation. Hence it is still not clear whether service outside the state upon a corporation, or upon an individual who had never been domiciled in the state, would be valid service, even under the extremely broad language quoted above.

If the nonresident employer is an individual or a partnership, he (or it) cannot be excluded from doing business within the state; further, service or process cannot be had upon an agent, unless that agent has been authorized to accept service. *Flexner v. Farson*, 248 U. S. 289 (1919); *In re Gayle*, 136 F. 2d 973 (5th Cir. 1943). Hence, prior to the act in question, the injured workman wishing to sue a nonresident employer absent from the state could not sue in Ohio, but must sue where he could find the employer. There is one exception to this statement. If the injury arose out of the operation of an automobile owned or operated by the employer, the employer could be served under an Ohio law which provides that a nonresident operator of an automobile appoints the Secretary of State his agent for the service of process in any action based upon the

operation of the automobile in this state. OHIO REV. CODE § 2703.20. This statute is in line with one of the general exceptions to the basic principle stated above, and this exception has been upheld by the United States Supreme Court, provided that proper steps are taken to notify the absent defendant. *Hess v. Pawloski*, 274 U. S. 352 (1927).

The act under discussion greatly facilitates the service of process upon a nonresident employer. It is not necessary to go to the state where the employer could be found; service can be had upon the Secretary of State, and the defendant notified by registered mail at his last known address. Thus the expense of the action is kept down, and the injured employee is able to prosecute his action with little difficulty. [Amended House Bill No. 258, effective date October 13, 1953, OHIO REV. CODE §§ 4123.751, 4123.752, 4123.753, 4123.754, 4123.755, and 4123.756 (enacted).]

PROCESS — may be served upon Secretary of State in actions against unlicensed foreign corporations.

This act provides that service of process on an unlicensed foreign corporation doing business in Ohio may be made upon the Secretary of State by leaving with him triplicate copies of such process, an affidavit showing the last known address of the corporation, and a fee of five dollars. Pursuant to such service, suit may be brought in Franklin county or in any county in which such corporation did any act or transacted any business. [Amended Senate Bill No. 320, effective date October 16, 1953, OHIO REV. CODE § 1703.191 (enacted).]

PRISONERS — sheriff may provide for rehabilitation of.

A sheriff, with the approval of the board of county commissioners, may provide for vocational training and rehabilitation of prisoners confined in the county jail. [Amended Senate Bill No. 275, effective date October 15, 1953, OHIO REV. CODE § 2947.15 (amended).]

PRIVILEGED COMMUNICATIONS — waiver by the surviving spouse, executor, or administrator.

If the client or patient be deceased the attorney or physician may testify to privileged matters by the express consent of the surviving spouse or the executor or administrator of the estate of such deceased client or patient. The act supersedes case law to the contrary which limited such waiver to workmen's compensation

cases. [Amended House Bill No. 576, effective date October 13, 1953, OHIO REV. CODE § 2317.02 (amended). See comment on this act, Part 1, Page 432, *supra*.]

PROFESSIONAL ENGINEERS AND SURVEYORS — powers of the state board.

The act makes several changes in dates to conform to the state's fiscal year and the practical experience required to be licensed formerly had to be of a type satisfactory to the board. The new language eliminates some of the discretion of the board.

A person of the age of fifty or more and with a record of not less than twenty-five years practice of surveying may be licensed as a professional surveyor without a written examination, provided he has served fifteen years in responsible and outstanding surveying work. [Amended House Bill No. 250, effective date October 16, 1953, OHIO REV. CODE §§ 4733.08, 4733.09, 4733.10, 4733.11, 4733.13, 4733.14, 4733.15 and, 4733.19 (amended).]

PUBLIC EMPLOYEES — annual vacation leave and holiday pay.

Employees working on an hourly basis shall be entitled to eight hours pay for certain enumerated holidays and one day vacation leave of eight hours for each one hundred seventy-three and one-third hours worked by such employee. Formerly the employee was entitled to one day vacation for each one hundred ninety-two hours worked. Employees having fifteen or more years of service are entitled to three calendar weeks vacation leave with full pay. [Amended Substitute House Bill No. 40, effective date October 29, 1953, OHIO REV. CODE § 121.16 (amended).]

PUBLIC EMPLOYEES — dismissal of, who advocate overthrow of government.

Any public employee or teacher may be removed if such person advocates or willfully retains membership in an organization which advocates overthrow of the government by force, violence, or other unlawful means. [Amended Senate Bill No. 38, effective date October 29, 1953, OHIO REV. CODE § 143.272 (enacted). See comment on this act, Part 1, 439, *supra*.]

PUBLIC EMPLOYEES — retirement provisions changed.

To be eligible for retirement at the age of sixty, the member must now have at least five years of total service credit.

An employer may terminate the employment of any member who has attained the age of seventy. Formerly the employer was required to retire any employee who was over seventy years of age.

After the date of retirement a member may not change his beneficiary if the member elects to receive his allowance computed as Option 1 or Option 2, provided in Section 145.46 of the Revised Code. [Amended Substitute House Bill No. 296, effective date June 30, 1953, OHIO GEN. CODE § 486-59 (amended) and Amended Substitute House Bill No. 324, effective date October 2, 1953, OHIO REV. CODE § 145.32 (amended).]

PUBLIC EMPLOYEES RETIREMENT SYSTEM.

The act makes several changes in the sections pertaining to the public employees retirement system by increasing the number of persons eligible for membership, exempting certain employees from membership, and making a complete revision of the beneficiary provisions. [Amended Substitute House Bill No. 551, effective date October 26, 1953, OHIO REV. CODE §§ 145.01, 145.03, 145.05, 145.30, 145.33, 145.35, 145.37, 145.38, 145.43, 145.45, 145.48, and 145.54 (amended).]

PUBLIC EMPLOYEES RETIREMENT SYSTEM — disability benefits.

This act provides that the final average salary of a member of the public employees retirement system as used in computing disability benefits of such member under division (B) of Section 145.36 of the Revised Code, shall in no case exceed two thousand dollars. Previously there was no limit on the final average salary for computing disability benefits. [Amended Senate Bill No. 84, effective date June 17, 1953, OHIO GEN. CODE § 486-32 (amended), and Amended Senate Bill No. 85, effective date October 2, 1953, OHIO REV. CODE § 145.01 (amended).]

PUBLIC EMPLOYMENT — discrimination against members of the armed services prohibited.

No public employer shall refuse to employ or shall discharge any person because of being a member of the Ohio National Guard, the Ohio Defense Corps, the Ohio Naval Militia, or the armed services of the United States or prevent him from performing any military service he may be called upon to perform by proper authority. Formerly such provision applied only with respect to private employment. [Amended House Bill No. 766, effective date October 2, 1953, OHIO REV. CODE § 5903.08 (amended).]

PUBLIC LIBRARIES — administration of.

The prosecuting attorney shall be the legal adviser of all tax supported public libraries except those organized as a part of a city school district or of a municipal corporation.

The board of library trustees may procure policies of insurance insuring the officers and employees of the library against liability on account of damage or injury to persons and property, including liability from motor vehicle accidents.

Through its clerk, the board of trustees of any public library of a subdivision whose fiscal officer is a member of the budget commission may appeal to the Board of Tax Appeals if dissatisfied with any action of the budget commission. [Amended House Bill No. 251, effective date October 2, 1953, OHIO REV. CODE §§ 309.09, 3375.42, and 5705.37 (amended) and § 3375.401 (enacted).]

PUBLIC UTILITIES COMMISSION — increase levy for support of.

The assessment against the railroads and public utilities for the administration costs of the public utilities commission is increased to six hundred thousand dollars per year for the 1953 and 1954 fiscal years.

The salaries of the members of the public utilities commission is increased from nine to ten thousand dollars per year. [Amended House Bill No. 595, effective date July 13, 1953, OHIO GEN. CODE § 606 (amended) and § 606-1 (repealed) and Amended House Bill No. 596, effective date October 13, 1953, OHIO REV. CODE § 4905.10 (amended) and § 4905.11 (repealed).]

PUBLIC UTILITIES COMMISSION — procedure for rehearing of orders.

The act provides that after any order has been made by the Public Utilities Commission, any party who has entered an appearance in person or by counsel in the proceeding may apply within thirty days after the order for a rehearing in respect to any matter determined in the proceeding. If sufficient grounds exist persons who did not enter an appearance in the original proceedings may apply for a rehearing.

No cause of action arising out of any order of the Commission shall accrue in any court unless an application for a rehearing has been made.

A notice of appeal must be filed within sixty days after the date of denial of the application for rehearing or after the rehearing if granted.

No utility or railroad shall be found in violation of any order of the Commission until notice of the order has been received by them.

[Amended House Bill No. 635, effective date October 2, 1953, OHIO REV. CODE §§ 4903.10, 4903.11, and 4903.15 (enacted) and §§ 4903.10, 4903.11, 4903.15, 4905.08, and 4905.53 (repealed).]

PUBLIC UTILITY COMMISSION — procedure in eliminating electrical facility duplication.

The act provides for the filing of a complaint with the Public Utilities Commission whenever a public utility discovers another company is attempting to furnish electric energy to a consumer which would result in duplication of facilities. [Amended House Bill No. 530, effective date October 16, 1953, OHIO REV. CODE § 4905.261 (enacted).]

RADIO AND TELEVISION STATIONS — liability in slander and libel.

This act defines the liability of owners, licensees, or operators of radio and television stations in libel and slander. [Amended Substitute Senate Bill No. 161, effective date October 2, 1953, OHIO REV. CODE § 2739.99 (amended) and § 2739.03 (enacted). See comment on this act, Part 1, page 362, *supra*.]

RAILROADS — certain officers permitted to execute deeds to real property.

Conveyances of land by a railroad company may be signed by the president or a vice-president, or any officer authorized by the board of directors. Deeds executed prior to the effective date of this act by an officer or officers other than the president as required under the former law shall nevertheless be valid. [Substitute House Bill No. 464, effective date October 2, 1953, OHIO REV. CODE § 4961.15 (amended) and § 4961.151 (enacted).]

RATES — increase for legal advertising.

This act increases the rates which a newspaper publisher may charge for publication of advertisements, notices, and proclamations required to be published by a public officer or by a trustee, assignee, executor, or administrator, or by or in any court of record. The increase is from one dollar for each square to one dollar and fifty cents for each square for the first insertion, and from fifty cents to seventy-five cents per square for each additional insertion. [Amended Senate Bill No. 57, effective date October 2, 1953, OHIO REV. CODE § 7.10 (amended).]

REAL PROPERTY TAXES — lien date changed.

The lien of the state for taxes levied for all purposes on the

real and public utility tax list and duplicate for 1954 and each year thereafter attaches to all real property subject to such taxes on the first day of January annually. The former lien date was the day preceding the second Monday in April. [Amended Senate Bill No. 147, effective date October 13, 1953, OHIO REV. CODE § 5719.01 (amended).]

RECORDER, COUNTY — fee charged for registered land titles.

See Registered Land Titles, this index.

RECORDER, COUNTY — fees charged for recording certain instruments.

See Fees, this index.

RECORDER, COUNTY — recording of cancellation, partial release, or assignment of.

See Leases, this index.

REGISTERED LAND TITLES — schedule of fees charged.

The recorder shall receive an additional fee of one dollar for each additional distinct body or parcel of land contained in the certificate regardless if made in one transfer. [Amended House Bill No. 29, effective date October 2, 1953, OHIO REV. CODE § 5310.15 (amended).]

RESTAURANTS — regulation of, transferred to department of health.

Formerly the state fire marshall regulated and inspected restaurants and hotels. This act transfers to the Department of Health the regulation of restaurants and imposes certain duties upon the city or general health districts to inspect at least once a year every food service operation which comes within the provisions of the act. [Amended Substitute House Bill No. 429, effective date October 29, 1953, OHIO REV. CODE §§ 3731.01, 3731.03, 3731.04, 3731.05, 3731.07, 3731.08, 3731.09, 3731.10, 3731.11, 3731.13, and 3731.20 (amended), §§ 3732.01, 3732.02, 3732.03, 3732.04, 3732.05, 3732.06, 3732.07, 3732.08, and 3732.99 (enacted), and §§ 3731.15 and 3731.19 (repealed).]

RETIREMENT — state teachers and school employees.

This act is the omnibus bill on the state teachers and school

employees retirement systems. Numerous changes are made in many phases of the retirement law, with particular emphasis on increasing the benefits of members and their survivors. [Amended House Bill No. 382, effective date October 26, 1953, OHIO REV. CODE §§ 3307.29, 3307.33, 3307.38, 3307.40, 3307.43, 3307.44, 3307.49, 3307.51, 3307.55, 3309.01, 3309.03, 3309.26, 3309.34, 3309.35, 3309.36, 3309.38, 3309.39, 3309.41, 3309.44, 3309.45, and 3309.51 (amended); § 3307.48 (enacted), and § 3307.48 (repealed).]

REVISED CODE — corrective omnibus bill.

This act is an omnibus measure making corrective changes in the Revised Code. [Senate Bill No. 361, effective date October 1, 1953.]

REVISED CODE — enacted.

The general statutes of the state have been revised and consolidated into 31 titles. Each title is divided into chapters and sections. The Revised Code takes effect October 1, 1953, and thereby repeals the Ohio General Code. [Amended House Bill No. 1, effective date October 1, 1953, OHIO REV. CODE §§ 1.01 to 9.99 and 101.01 to 6155.13, inclusive, (enacted). See comment on this act, Part 1, page 391, *supra*.]

SALARIES — increases for appointive state officials.

The act increases the annual salaries of the Directors of Finance, Public Welfare, Health, and Highways to \$12,000. The salaries of the Directors of Commerce, Public Works, Agriculture, Industrial Relations, Education, Natural Resources, Liquor Control, Highway Safety, the Tax Commissioner, and the Administrator of the Bureau of Unemployment Compensation are increased to \$10,000 per year. Salaries of the members of the Board of Tax Appeals are increased to \$8,400 and those of the Liquor Control Board to \$6,000, except for the chairman, who receives an additional \$500. [Amended House Bill No. 94, effective date July 13, 1953, OHIO GEN. CODE §§ 154-10, 154-12, 1178-1, 1346, 1464-8, 2250, and 6064-5 (amended) and Amended House Bill No. 190, effective date October 2, 1953, OHIO REV. CODE §§ 141.03, 1501.01, 2965.07, 4141.02, 4301.07, 5501.03, and 5703.09 (amended).]

SALARY — increased for civil service commissioners.

See Civil Service Commissioners, this index.

SALES AND USE TAX — four year limitation on refund claims.

Applications for refund of sales or use tax paid illegally or

erroneously must be filed within four years from the date of the illegal or erroneous payment of the tax. [Amended Senate Bill No. 324, effective date October 16, 1953, OHIO REV. CODE §§ 5739.07 and 5741.10 (amended).]

SALES TAX—allocation to local government fund.

See Local Government Fund, this index.

SALES TAX—assessment for, prohibited when exempt under former rule of tax commissioner.

This act bars any assessment against a vendor or consumer for sales tax imposed by Sections 5739.02 and 5739.10 of the Revised Code, for any period during which a rule or regulation of the tax commissioner was in effect under which the collection or payment of any such tax was not required. However, it does not bar such assessments when there is substantial evidence of amounts of taxes collected by a vendor from consumers on retail sales which were not remitted to the state. [Amended Senate Bill No. 225, effective date November 7, 1953, OHIO REV. CODE § 5739.16 (amended).]

SALES TAX—certificate of exemption need not be furnished prior to the time the sale is consummated.

Formerly the consumer must have furnished to the vendor a certificate showing that the sale was not subject to the sales tax prior to the time the sale was consummated in order to exempt the sale. This amendment provides that if the certificate is furnished within the period for filing the vendor's return for the semi-annual period in which the sale is consummated no tax shall apply. [Amended House Bill No. 455, effective date October 13, 1953, OHIO REV. CODE § 5739.03 (amended).]

SALES TAX—physicians and dentists are consumers not vendors.

The act clarifies the position of physicians and dentists as consumers of all tangible personal property purchased by them in connection with the practice of medicine or dentistry. They are not required to collect sales or use tax on property transferred by them to patients in connection with the rendition of professional services, provided that if the physicians and dentists are engaged in selling to consumers tangible personal property such as eye glasses, mouth washes, dentifrices, or similar articles, the sales tax

shall apply. [Amended House Bill No. 438, effective date October 13, 1953, OHIO REV. CODE § 5739.01 (amended).]

SANDUSKY BAY — toll bridge authorized.

This act grants to the Cedar Point Bridge Company a perpetual easement in the land underlying the waters of Sandusky Bay as may be necessary to construct and maintain a toll bridge between Big Island and Cedar Point. The plans and specifications are subject to the approval of the State Highway Director. Tolls may be charged subject to regulation and control by the Public Utilities Commission. [Amended House Bill No. 698, effective date September 24, 1953.]

SANITARY DUMPS — creation or maintenance by two or more subdivisions.

The boards of township trustees of any two or more townships or the legislative authorities of any two or more political subdivisions may through joint action unite in the joint purchase, rental, maintenance, use, and operation of sanitary dumps. [Amended House Bill No. 162, effective date October 14, 1953, OHIO REV. CODE § 505.12 (amended).]

SCHOLARSHIP — fund established for teacher trainees.

A fund of \$750,000 is established for teacher trainees for the purpose of relieving the existing teacher shortage in public schools. Scholarships shall have a maximum value of \$500 annually and shall be allocated among the counties of the state on any basis deemed equitable by the Superintendent of Public Instruction. [Amended House Bill No. 770, effective date October 30, 1953, OHIO REV. CODE §§ 3315.33, 3315.34, and 3315.35 (enacted).]

SCHOOL BOARD — control over land extended outside the township.

The act provides that when school land of a township is situated outside of the township, the school board of ownership shall have control of such school land and shall assume the powers and duties of the township trustees in regard to such school land. [Amended House Bill No. 396, effective date October 2, 1953, OHIO REV. CODE § 501.101 (enacted).]

SCHOOL DISTRICT — checks may be signed by a designated officer if clerk is incapacitated.

This act provides that if the clerk of a district board of education is not available to sign a check for the disbursement of school districts funds, the board can appoint an officer of the school district to sign such checks in the capacity of the clerk. Under the former law it was impossible for a school district to transact any business when its clerk was incapacitated since he was required to sign every school check. [Senate Bill No. 351, effective date July 20, 1953, OHIO GEN. CODE § 4841-2 (amended) and Amended Senate Bill No. 350, effective date October 1, 1953, OHIO REV. CODE § 3313.51 (amended).]

SCHOOL DISTRICT RECORDS COMMISSION — established.

There is created in each school district a school district records commission, composed of the president, the clerk of the board of education, and the superintendent of schools in each district. The commission may order the destruction, retention, or other disposal of any record, document, plat, instrument, or paper that has been copied, photostated, or microfilmed pursuant to Section 9.01 of the Revised Code, provided that an application for such an order is submitted by the person in charge of any office, department, school, or agency of the school district. [Amended Senate Bill No. 95, effective date October 16, 1953, OHIO REV. CODE § 149.41 (enacted).]

SCHOOL DISTRICTS — law repealed permitting annexation of municipal property by petition.

The act repeals Section 3311.25 of the Revised Code which permits upon a petition signed by ten percent of the qualified electors residing within that portion of a municipal corporation which is part of a school district of another municipal corporation proposing to transfer such territory to the school district of the municipal corporation of residence. [Amended House Bill No. 713, effective date October 19, 1953, OHIO REV. CODE § 3311.25 (repealed).]

SCHOOL DISTRICTS — reorganization.

Under the old law when a local or exempted village school district contained within its territorial boundaries the major portion of the territory lying within the corporate limits of a village advanced to a city, such school district automatically became a city school district. This act requires a majority vote of the full mem-

bership of the board of education declaring that the local or exempted village school district shall become a city school district.

City school districts may, by a majority vote of the full membership of the board of education, be supervised by the county board of education. Upon approval of the county board of education such city school district shall become part of the county school district and shall be known as a "local school district."

No school district shall be created, except by a merger of existing school districts, which does not maintain within the district a school covering grades from first to twelfth.

No school district shall be created which does not maintain public schools within the district and any such existing school district shall be dissolved and its territory joined with another school district or districts. The superintendent of public instruction shall not distribute any funds to a school district which does not maintain schools.

The act provides for the selection of a county citizens committee which shall submit plans for the reorganization of school districts within the county.

In the issuance and revocation of high school charters the superintendent of public instruction and the high school board shall be governed by the provisions of the administrative procedure act. [Amended Substitute House Bill No. 128, effective date June 1, 1954, OHIO REV. CODE §§ 3311.07 and 3311.09 (amended) and §§ 3311.28, 3311.29, 3311.30, 3311.31, 3311.32, 3311.33, 3311.34, 3311.35, and 3311.36 (enacted).]

SCHOOL DISTRICTS — superintendent of public instruction shall waive the eight mill requirement for school districts entitled to additional aid.

The superintendent of public instruction shall waive for the calendar year 1953 the requirement of eight mills for current school operation, if in any school district the tax levy of eight or more mills was reduced because of the reappraisal of real property. This provision enables the school districts to receive additional aid from the state without complying with the condition that a levy of eight mills is essential to receive such aid. [Amended House Bill No. 7, effective date March 4, 1953.]

SCHOOL DISTRICTS — temporary increase in net indebtedness.

Section 133.04 of the Revised Code (Uniform Bond Law) provides that the net indebtedness of a school district which may be imposed by popular vote with the consent of the Department of

Taxation shall not exceed 6% of the assessed value of the property of the district. This supplemental section provides that on or before December 31, 1955, this limitation shall be increased to 8%, provided that approval by the Department of Education be obtained before submission to the voters of bond issues which would make the net indebtedness more than 6%. The Department of Education shall determine that the proceeds of the bonds are needed and desirable for school buildings or equipment before approval is given. [Amended House Bill No. 70, effective date August 28, 1953, OHIO REV. CODE § 133.041 (enacted).]

SCHOOL DISTRICTS — transfer of local district may be blocked by a vote of the electors.

A county board of education may transfer a part or all of the territory comprising a local school district within the county school district to an adjoining county school district or to an adjoining city or exempted village school district by the adoption of a resolution providing for the transfer. However, such a transfer shall not take effect if, within thirty days after the filing of the map showing the boundaries, a majority of the qualified electors residing in the territory transferred voting at the last general election file with the county board of education a written remonstrance against the transfer. [Amended House Bill No. 760, effective date October 2, 1953, OHIO REV. CODE § 3311.23 (amended).]

SCHOOL SURVEY COMMITTEE — established to make a study of the school foundation program.

An Ohio school survey committee is established to conduct a comprehensive study of the school foundation program and all laws pertaining or relating to public school education in Ohio and to make recommendations to meet such needs as the study shows to exist. The committee is authorized to conduct public hearings and receive testimony. An appropriation of \$75,000 is made to make the study. [Amended Substitute House Bill No. 771, effective date October 21, 1953, OHIO REV. CODE §§ 103.41, 103.42, and 103.43 (enacted).]

SERIAL NUMBERS AND BRAND NAMES — illegal to remove or alter from farm equipment.

Prohibits the removal or altering of a manufacturer's brand name or serial number from farm equipment for the purpose of concealing the identity. In addition the act prohibits persons from acquiring for the purpose of sale or resale any such defaced equip-

ment. [Amended House Bill No. 457, effective date October 21, 1953, OHIO REV. CODE §§ 2907.45 and 2907.46 (enacted).]

SERVICE OF PROCESS — may be served upon secretary of state against unlicensed foreign corporations which have transacted business in Ohio.

See Process, this index.

SESQUICENTENNIAL CELEBRATION — local government authorized to expend public moneys.

County commissioners, township trustees, municipal councils, and other municipal legislative bodies are authorized to expend public moneys in carrying out sesquicentennial celebrations in their communities in 1953. [Amended House Bill No. 9, effective date March 24, 1953.]

SHERIFF — allowance for feeding prisoners is increased.

The sheriff shall be allowed by the board of county commissioners the actual cost of keeping and feeding prisoners or other persons confined in the county jail, but at a rate not to exceed one dollar and fifty cents per day of three meals each. Formerly the maximum was one dollar. In the smaller counties where the amount is computed on the basis of each meal served, the maximum allowance is increased from thirty-three and one-third cents to fifty cents. [Amended House Bill No. 198, effective date October 2, 1953, OHIO REV. CODE § 311.20 (amended).]

SLANDER AND LIBEL — liability of radio and television stations defined.

See Radio and Television Stations, this index.

SOIL CONSERVATION DISTRICTS — occupiers of land may vote in elections.

In the creation of a soil conservation district both owners and occupiers of lands situated within the boundaries of the district or proposed districts shall be eligible to vote in the elections. [Amended House Bill No. 354, effective date October 2, 1953, OHIO REV. CODE § 1515.02 (amended).]

SOLDIERS' RELIEF COMMISSION — investigators and clerks may be a veteran of any war.

The qualifications of investigators and clerks employed by the soldiers' relief commission are changed in order to include veterans of World War II and the Korean conflict. [Amended Substitute House Bill No. 33, effective date October 2, 1953, OHIO REV. CODE § 5901.06 (amended).]

SPECIAL POLICEMEN — governor may appoint for protection of company under certain contracts with United States Atomic Energy Commission.

This act authorizes the governor, upon application of any company under contract with the United States Atomic Energy Commission for the construction or operation of a plant owned by the commission, to appoint and commission as many as one hundred fifty special policemen for the company. [Amended Senate Bill No. 309, effective date October 16, 1953, OHIO REV. CODE § 4973.17 (amended).]

STATE — open meetings to be held by all boards and commissions.

All meetings of any board or commission of any state agency except the Pardon and Parole Commission must be open to the public. No resolution, rule, regulation, or formal action of any kind shall be adopted at any executive session of any board, commission or other state agency. [Amended House Bill No. 440, effective date January 31, 1954, OHIO REV. CODE § 121.22 (enacted).]

STATE BOARDS — licensing of the various professions and occupations.

The act requires confirmation by the senate of appointments made by the governor to the various licensing boards.

The licensing boards are required semi-annually to make a report to the legislative service commission of its receipts and disbursements and of their official acts, which reports shall be consolidated by the commission for transmission to the general assembly.

In addition, the act provides that the examination papers of each applicant shall be open for inspection by the applicant or his attorney for at least ninety days subsequent to the announcement of the applicant's grade. The act further provides for a board of review, consisting of the Secretary of State, Auditor of State, and Treasurer of State to investigate grievances. The aggrieved party may appeal to the common pleas court any action taken by the

board. The board of review shall report the results of its investigations to the general assembly. [Amended Substitute House Bill No. 256, effective date October 19, 1953, OHIO REV. CODE §§ 4703.01, 4709.01, 4713.02, 4717.02, 4717.03, 4723.01, 4733.03, and 4741.02 (amended) and 4743.01, 4743.02, and 4743.03 (enacted).]

STATE EMPLOYEES — classification and salaries.

Many positions in the state service are reclassified by this act. A five percent cost of living increase and a five percent automatic raise is given to state employees. [Amended Substitute House Bill No. 484, effective date October 23, 1953, OHIO REV. CODE §§ 143.09, 143.10, 143.11, and 143.12 (amended).]

STATE EMPLOYEES — ground for dismissal for failure to testify concerning his being a Communist.

The act provides for the dismissal of a state employee who refuses to testify before a duly authorized tribunal, or in an investigation under authority of law, concerning his membership in a subversive organization on the ground that his answers might tend to incriminate him. [Amended House Bill No. 575, effective date October 29, 1953, OHIO REV. CODE § 143.271 (enacted). See comment on this act, Part 1, Page 439, *supra*.]

STATE HOSPITALS — procedure for admitting patients changed.

The act permits the probate judge to hold mental patients for observation and treatment in a receiving hospital for a reasonable period of time prior to the hearing provided by Section 5123.23 of the Revised Code. In addition several changes in the procedure relative to the hearing, rehearing, and discharge of a patient are made by the act. [Amended House Bill No. 142, effective date October 2, 1953 OHIO REV. CODE §§ 5123.19, 5123.23, 5123.24, 5123.37, 5123.45, 5123.50, 5123.54, 5123.55, and 5123.57 (amended) and § 5125.21 (repealed).]

STATE OFFICE HOUSING COMMISSION — created.

A state office housing commission consisting of three members from each house is established for the purpose of studying the needs of the various state departments for office space in Columbus. The commission is to report its findings and recommendations to the General Assembly on or before January 15, 1955. [Amended Senate Bill No. 347, effective date October 30, 1953, OHIO REV. CODE §§ 151.21, 151.22, and 151.23 (enacted).]

STATE UNIVERSITIES — authorized to construct and maintain buildings and facilities and issue revenue bonds to pay for the structures.

The Boards of Trustees of Kent State University, Bowling Green State University, Ohio University, Miami University, Central State College, and Ohio State University are authorized to construct, equip, maintain, and operate structures, buildings, or facilities to be used for athletic purposes, student activity centers, faculty centers, dining halls, bookstores, auditoriums, and contract research facilities.

In addition to any other means available for paying the cost of such buildings, the Board of Trustees are authorized to issue and sell bonds, notes, and other evidences of indebtedness the payment of the principal and interest of which shall be secured by the revenues or receipts derived from the operation of the structures. The indebtedness incurred shall not be a claim or lien upon any property of the state of Ohio or any property of or under the control of the Boards of Trustees, except such portion of the revenues derived from the operation of the structures.

The Boards of Trustees shall determine the terms and conditions of the bonds or notes and such bonds or notes shall be lawful investments for banks, trustees, the retirement systems, and others notwithstanding any law to the contrary. [Amended House Bill No. 726, effective date October 2, 1953, OHIO REV. CODE § 3345.11 (enacted).]

SUBDIVISION PLATS — recording of.

The act changes the existing law by providing that the approval of a plat by the county commissioners shall not be deemed to be an acceptance of the dedication of any public street, road, or highway dedicated on the plat.

No city, village, county, or regional planning commission shall adopt any rules or regulations requiring construction of streets or other improvements as a condition precedent to the approval of a plat of a subdivision unless the requirements have first been adopted by the county commissioners or the legislative authority of the city or village after a public hearing.

When a plat has been recorded properly, the lots shown thereon shall be entered upon the tax list for taxation according to their lot numbers and subdivision, and conveyances made by lot number and subdivision shall be legally sufficient to pass title. [Amended Substitute House Bill No. 629, effective date October 19, 1953, OHIO REV. CODE §§ 711.04, 711.05, 711.09, 711.10, 711.13, and 711.15 (amended) and §§ 711.001, 711.091, 711.101, 711.102, 711.103, 711.104, 711.121, 711.131, and 711.132 (enacted).]

SUBVERSIVE ACTIVITIES — prohibited.

This act prohibits any form of subversive activity and authorizes the Attorney General to appoint a special assistant to investigate such activity within the state. [Amended Substitute House Bill No. 308, effective date November 7, 1953, OHIO REV. CODE §§ 2921.21, 2921.22, 2921.23, 2921.24, 2921.25, 2921.26, and 2921.27 (enacted). See comment on this act, Part 1, Page 439, *supra*.]

SUBWAYS — county may operate.

A county may acquire, construct, own, lease, and operate subways for transportation systems not owned by the county upon the approval of fifty-five per cent of the voters voting on the issue. For such purposes the county may issue bonds and such bonds are not included in computing the general limit of bonded indebtedness otherwise prescribed by law. However, the bonds may not exceed one per cent of the total value of all property in the county as listed and assessed for taxation. [Amended Senate Bill No. 285, effective date June 26, 1953, OHIO GEN. CODE § 2433-3 (enacted) and §§ 2293-16 and 2293-16a (amended) and Amended House Bill No. 403, effective date October 2, 1953, OHIO REV. CODE §§ 133.05 and 133.06 (amended) and § 307.201 (enacted).]

SWITCH BLADE KNIVES — carrying and sale prohibited.

This act makes it a misdemeanor to sell, exhibit for sale, or carry any knife fitted with a mechanical device for automatic release of the blade, commonly known as a switch blade or automatic spring knife. Violators are subject to a fine of from twenty-five to two hundred dollars or imprisonment for not less than ten days nor more than six months, or both. [Amended Senate Bill No. 62, effective date October 2, 1953, OHIO REV. CODE § 2923.021 (enacted).]

TAXATION — utility excise tax extended.

See Utility Excise Tax, this index.

TAX COMMISSIONER — notice of death to be reported to.

This act requires the Director of Health to certify annually to the Ohio Tax Commissioner the deaths registered with the department of health from each county. It also provides that liability for payment of inheritance taxes imposed by Sections 5731.01 to 5731.56, inclusive, of the Revised Code shall become void ten years after the date of the decedent's death, or on October 13, 1955, whichever is later. If litigation for the determination and collection

of the tax is pending at the expiration of such period, the liability remains in full force until one year after final determination of the litigation. [Amended Senate Bill No. 82, effective date October 13, 1953, OHIO REV. CODE §§ 3705.131 and 5731.171 (enacted).]

TAX LEVY — additional, to be submitted to electors.

During the period June 26, 1953, until June 30, 1955, the taxing authority of a political subdivision may declare by resolution that it is necessary to levy a tax in excess of the ten mill limitation for certain specified purposes. The question shall then be submitted to the electors and if fifty-five per cent voting on the question approve it, the subdivision may make the levy outside the ten mill limitation. After approval of the additional levy by the electors but before the first collection, the subdivision may issue anticipatory notes, the sale of which shall be governed by the Uniform Bond Act. [Amended Senate Bill No. 45, effective date June 26, 1953, OHIO REV. CODE § 5705.191 (enacted).]

TAXES — enactment of highway use tax and an increase in gasoline tax.

The act provides for a highway use tax upon each commercial car with three or more axles, each commercial car used as part of a commercial tandem and each commercial tractor used as part of a commercial tractor combination or commercial tandem at rates ranging from one-half cent to two and one-half cents for each mile traveled in Ohio. The owner must obtain a highway use permit for the commercial car or commercial tractor before operating on the highways. A highway construction and bond retirement fund and a highway construction council is created.

In addition a one cent per gallon tax increase on gasoline is levied by the act. [Amended Substitute House Bill No. 619, effective date July 16, 1953, OHIO REV. CODE §§ 5728.01 to 5728.17, inclusive, and 5512.01, 5512.02, 5512.03, and 5512.04 (enacted). See comment on this act, Part 1, Page 425, *supra*.]

TAXES — levied on horse-racing.

See Horse-Racing, this index.

TAXES — levy in excess of the ten mill limitation.

The taxing authority of any subdivision may levy a tax in excess of the ten mill limitation for the general construction, recon-

struction, resurfacing, and repair of roads and bridges in townships and to provide and maintain fire apparatus, appliances and buildings or sites therefor, sources of water, or payment of firemen or fire fighting companies. [House Bill No. 290, effective date October 2, 1953, OHIO REV. CODE § 5705.19 (amended).]

TAXES — Lien date changed on real property.

See Real Property Taxes, this index.

TAXES, SALES AND USE — refund claims must be filed within four years.

See Sales and Use Tax, this index.

TELEPHONE COMPANIES — must provide adequate service.

The act empowers the Public Utilities Commission to prescribe reasonable telephone service and in the event such service is not furnished, the telephone company is prohibited from declaring a dividend. A penalty is provided for failure to comply with an order of the commission. [Amended Substitute House Bill No. 134, effective date October 26, 1953, OHIO REV. CODE §§ 4903.09, 4905.07, 4905.14, 4905.16, 4905.18, 4905.23, 4905.26, 4905.28, 4905.40, 4905.41, 4905.46, 4909.08, and 4909.10 (amended) and §§ 4905.231, 4905.241, 4905.242, 4905.243, 4905.244, 4905.381, and 4905.491 (enacted). See comment on this act, Part 1, Page 377, *supra*.]

TOWNSHIP OFFICES — when deemed vacant.

Whenever a township officer is absent from the township for ninety consecutive days, except in case of sickness or injury, his office shall be declared vacant by the board of township trustees. Whenever the absence is caused by sickness or injury, the officer must file a physician's certificate within ten days after the expiration of the ninety consecutive days, otherwise his office shall be deemed vacant. [Amended House Bill No. 346, effective date October 14, 1953, OHIO REV. CODE § 503.241 (enacted).]

TOWNSHIP ROADS — amount without competitive bidding increased.

If the amount involved is one thousand dollars or less the contract for the maintenance and repair of township roads may be let by the township trustees without competitive bidding. Formerly six hundred dollars was the maximum. [Amended House Bill No.

309, effective date October 2, 1953, OHIO REV. CODE § 5575.01 (amended).]

TOWNSHIP ROADS — trustees may maintain an action for damage to.

In case of an injury to an improved public street, road, bridge, or culvert of a township, the damages shall be recovered by a civil action prosecuted by the board of township trustees. Formerly only the state, county, or municipal corporation could maintain such an action. [Amended House Bill No. 550, effective date October 13, 1953, OHIO REV. CODE § 5577.12 (amended).]

TOWNSHIPS — agreements with municipal corporations for hospitals.

This act permits a township to levy a tax and pay the proceeds to a municipal corporation which maintains a public hospital which is free to the inhabitants of the township, or which maintains a public hospital which is free to such inhabitants as are unable to pay. The former law permitted such payment of township money only to a hospital association which maintains such a hospital. It also provides that a township may enter into an agreement with a municipal corporation for the erection and management of a hospital for the treatment of the sick and disabled of the township, or for an addition to such hospital, or for a permanent interest therein. The former law permitted such agreements only with a non-profit charitable corporation. [Amended Senate Bill No. 130, effective date October 2, 1953, OHIO REV. CODE §§ 513.01, 513.02, 513.04, and 513.05 (amended).]

TOWNSHIPS, DEFUNCT — within a municipal corporation.

Provision is made for a township which has become defunct or shall become defunct, leaving a remnant which is located entirely within the boundaries of a municipal corporation, to be considered a part of the municipal corporation as though it had been annexed thereto. The procedure shall be the same as in the case of the filing of annexation transcripts. [Amended House Bill No. 46, effective date October 14, 1953, OHIO REV. CODE § 503.131 (enacted).]

TOWNSHIP TRUSTEES — authorized to build partition fences.

In townships where the owners of adjoining lands are required to maintain partition fences, if either party fails to build such fence, the board of township trustees shall contract for the erection of the fence by competitive bidding. This amendment authorizes

the trustees to procure labor and materials at prevailing rates and cause the fence to be constructed in the event no bids are received from responsible bidders. [Amended House Bill No. 310, effective date October 2, 1953, OHIO REV. CODE §§ 971.07 and 971.08 (amended).]

TOWNSHIP TRUSTEES — need remove snow only from township roads.

The board of township trustees shall cause all the township roads within the township to be kept free from obstruction by snow. Before this amendment they were responsible to maintain all the highway within the township free from snow. [Amended House Bill No. 57, effective date October 2, 1953, OHIO REV. CODE § 5571.08 (amended).]

TRADE MARKS — registration and protection of.

This act provides for the registration and protection of trade marks for the state of Ohio. [Amended Substitute Senate Bill No. 117, effective date October 1, 1954, OHIO REV. CODE §§ 1329.54 to 1329.68, inclusive, (enacted) and §§ 1329.13 to 1329.21, inclusive and 1329.28 (repealed). See comment on this act, Part 1, page 381, *supra*.]

TREE — adoption of an official tree for the state.

The tree, *Aesculus globra*, commonly known as the "Buckeye" is adopted as the official tree of the state. [Amended House Bill No. 65, effective date October 2, 1953, OHIO REV. CODE § 5.05 (enacted).]

TUBERCULOSIS — special school for all persons afflicted.

The board of education of any school district may establish special schools for all persons who are afflicted with tuberculosis. Formerly only youths of school age were eligible. [Amended House Bill No. 658, effective date October 2, 1953, OHIO REV. CODE §§ 3313.55 and 3317.03 (amended).]

TURN SIGNAL LIGHTS — required on certain motor vehicles.

See Motor Vehicles, this index.

UN-AMERICAN ACTIVITIES COMMISSION — continuation of.

This interim commission was established by the 99th General

Assembly in 1951 to investigate and prepare legislation relating to subversive activities in the state. The act provides for the continuation of the commission until January 31, 1954, at which time all of its records, books, documents, and other property shall be turned over to the Attorney General. [Amended House Bill No. 6, effective date March 4, 1953, OHIO GEN. CODE §§ 76-28 and 76-35 (amended) and Amended Senate Bill No. 202, effective date October 2, 1953, OHIO REV. CODE §§ 103.31 and 103.38 (amended).]

UNEMPLOYMENT COMPENSATION — contribution rate reduced.

This act makes many changes in the law relating to unemployment compensation the essence of which is to reduce employer's contribution rates on wages paid after October 1, 1953. The act also increases the maximum weekly benefits from twenty-eight dollars to thirty dollars and disqualifies a person from receiving any benefits during a disciplinary layoff. In addition changes are made in the handling of claims and appeals. [Amended Senate Bill No. 174, effective date October 30, 1953, OHIO REV. CODE §§ 4141.01, 4141.24, 4141.25, 4141.28, 4141.29, 4141.30, and 4141.31 (amended).]

URBAN REDEVELOPMENT — municipal corporations may issue bonds for.

See Bonds, this index.

UTILITY EXCISE TAX EXTENDED.

The 65/100 of one per cent excise tax on public utilities is extended to include the years 1954 and 1955. [Amended House Bill No. 553, effective date July 3, 1953, OHIO REV. CODE §§ 5727.81 and 5727.82 (amended).]

VERDICT — judgment vacated when, contrary to law.

This act provides that motions for a new trial or motions notwithstanding the verdict must be filed within ten days after the failure of the jury to reach a verdict and its discharge as evidenced by a journal entry filed with the clerk for journalization or within ten days after the journal entry of judgment in conformity to the verdict has been approved by the court and filed with the clerk. [Amended Senate Bill No. 158, effective date October 27, 1953, OHIO REV. CODE §§ 2323.15, 2323.18, 2323.19, and 2505.07 (amended), § 2323.181 (enacted), and § 2323.16 (repealed). See comment on this act, Part 1, page 353, *supra*.]

VETERANS — age of majority under the veteran readjustment assistance act of 1952.

Any person who is eligible for a loan under the veteran readjustment assistance act of 1952, as amended, regardless of whether he or his spouse is a minor, may execute any instruments, take title to real property, borrow money thereon and do all other acts necessary to secure to him all rights and benefits under the act. The former law accorded such waiver of minority to veterans eligible for a loan under the servicemen's readjustment act of 1944. This act extends the provisions of that law to include the veteran readjustment assistance act of 1952. [Amended Senate Bill No. 129, effective date October 2, 1953, OHIO REV. CODE § 3109.02 (amended).]

VETERANS — G. I. loans extended to Korean.

See Building and Loan Associations, this index.

VETERANS' WIDOWS — remarried excluded from relief.

Formerly the township and ward veterans' relief committee was authorized to receive applications for relief to widows of veterans who have remarried, but again have become needy widows. This amendment excludes such persons. [Amended House Bill No. 307, effective date October 2, 1953, OHIO REV. CODE § 5901.08 (amended).]

VILLAGES — may combine the offices of clerk and treasurer into the office of clerk-treasurer.

The legislative authority of a village may combine the duties of the clerk and treasurer into one office, to be known as the clerk-treasurer.

The clerk-treasurer shall perform the duties provided by law for the clerk and the treasurer. [Amended House Bill No. 277, effective date October 2, 1953, OHIO REV. CODE § 733.261 (enacted).]

VITAL STATISTICS — filing of final decree of adoption and certificate of birth.

A certified copy of each final decree of adoption shall be sent by the court having jurisdiction to the Department of Health. If the birth of the adopted child occurred in another state the department shall transmit to the state department of health of the state in which the birth occurred such adoption decree and a certified copy of

original birth certificate. When the adoption of a child whose birth occurred in this state is decreed by a court in another state the department shall establish in its files a new birth record in the adopted name upon receipt of a certified copy of the final decree of adoption and a certified copy of original birth certificate of such child. When a certified copy of an original birth certificate is not available for a child whose adoption has been decreed by a court in this state, the department may establish in its files a new birth record in the adopted name upon receipt of satisfactory evidence supporting facts of birth.

When a legal change of name of a person whose birth occurred in this state has been granted by a court, the division of vital statistics shall receive and file a certified copy of the court order legally changing the name. The court order shall be cross-referenced with the original certification of birth containing the new name. The certification shall disclose information that a legal change of name has been granted by a court. [Amended House Bill No. 87, effective date October 2, 1953, OHIO REV. CODE § 3705.18 (amended) and § 3705.181 (enacted).]

VOCATIONAL REHABILITATION — bureau established in the State Board of Vocational Education.

The act establishes within the State Board of Vocational Education, a Bureau of Vocational Rehabilitation and delegates to it certain functions and authority in administering aid to eligible disabled individuals. [Amended House Bill No. 401, effective date October 26, 1953, OHIO REV. CODE §§ 3303.21 to 3303.35, inclusive, (enacted) and §§ 3303.07 to 3303.11, inclusive (repealed).]

VOTING — residence of a student.

The act clarifies the law establishing a student's permanent home as his voting residence. [Amended House Bill No. 582, effective date October 13, 1953, OHIO REV. CODE § 3503.05 (amended).]

WEIGHTS AND MEASURES — deputy sealer salary to be fixed by the county sealer of weights and measures.

Formerly the salary of the deputy sealer was fixed by the board of county commissioners. This act provides that the salary shall be fixed by the county sealer of weights and measures which position is assumed by the county auditor by virtue of his office. [Amended House Bill No. 725, effective date October 21, 1953, OHIO REV. CODE § 319.59 (amended).]

WELFARE DEPARTMENTS — quarterly reports of, to be made to county auditor.

The relief authority of each county shall have a central clearing office which shall maintain a record showing the names of all persons in the county who are receiving public assistance payments from the county, city, or state. This central clearing office, upon request of any public assistance agency, shall report the name of any recipient of public assistance and the agency granting or paying the assistance.

The act also requires each county, city, or state authority responsible for the administration of the public assistance programs to file a quarterly report with the county auditor listing the names of its recipients and the amount paid to each. A public assistance examining committee is established in each county to examine these reports to determine whether or not any grants or payments of public assistance have been fraudulently made or received. The report shall be open to examination by any elector of the county who first signs his name and gives the reason for such examination. [Amended Substitute Senate Bill No. 66, effective date October 29, 1953, OHIO REV. CODE § 5113.08 (amended) and §§ 329.091 and 329.99 (enacted).]

WITNESS FEES — increased in civil cases.

Witnesses in civil proceedings shall be paid three dollars for each day's attendance at a court of record, or before a justice of the peace, mayor, or person authorized to take depositions, which fee shall be taxed in the bill of costs. A witness may demand and receive one dollar from the party at whose interest he is subpoenaed before he is required to answer the subpoena. The former law provided for a fee of one dollar a day and included no demand option. [Amended Senate Bill No. 162, effective date October 2, 1953, OHIO REV. CODE § 2335.06 (amended).]

WORKMEN'S COMPENSATION — increase to the totally and permanently disabled, allocation of administration costs.

The Industrial Commission may expend an amount not exceeding twenty-five thousand dollars in any fiscal year for administrative expenses of the state rehabilitation center.

The state shall bear one-third of the administration costs of the Industrial Commission. Counties and taxing districts as a class, private employers who are insured under the private fund as a class, and private employers who are self-insurers as a class shall bear their fair shares of the administrative costs, not to exceed two-

thirds of the total administration cost.

The act creates a separate fund to be known as the "Disabled Workmen's Relief Fund." A person receiving workmen's compensation in an amount less than twenty-five dollars a week and being permanently and totally disabled may participate in the fund by receiving payments of a weekly amount equal to the difference between twenty-five dollars and such lesser sum as he shall be receiving under the workmen's compensation laws for permanent and total disability.

The Industrial Commission in the investigation and determination of the right of persons to participate in the disabled workmen's relief fund shall have all the powers which it possesses under the workmen's compensation act. There shall be no appeal from its decisions as in other cases. No attorney, representative, or agent of any claimant or participant shall be entitled to charge or receive a fee, compensation, or gratuity in any form for representing, assisting, or pretending to represent or assist any person to become a participant in said fund. Whoever violates this provision shall be fined not more than five hundred dollars or imprisoned not more than ninety days, or both, and the persons who shall have paid a fee, compensation, or gratuity may recover by civil action three times the amount thereof, together with a reasonable attorney fee from the person to whom the sum was paid or given. [Amended Substitute House Bill No. 105, effective date October 21, 1953, OHIO REV. CODE §§ 4123.181, 4123.341, 4123.342, 4123.412, 4123.413, 4123.414, 4123.415, 4123.416, 4123.417, and 4123.418 (enacted) and § 4123.99 (amended).]